

LEONOR DELOS ANGELES, FEDERICO DELOS ANGELES, ADELAIDA DELOS ANGELES, JAIME DELOS ANGELES AND JOSEFINA DELOS ANGELES, PETITIONERS, VS. HON. COURT OF APPEALS, LORENZO CRUZ, SABIN...

G.R. No. 57312. March 05, 1993

Ponente: NOCON, J.

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NOCON, J.:

This is a petition for review on certiorari seeking reversal of the decision[1] of public respondent Court of Appeals in CA-G.R. No. 63107-R, dated January 21, 1981, which affirmed in toto the decision of the Court of First Instance of Rizal in Civil Case No. 9788, dated July 29, 1977; and its resolution dated June 10, 1981, which denied the motion for reconsideration.

The antecedent facts are, as follows:

On February 3, 1967, petitioners Leonor, Federico, Adelaida, Jaime and Josefina, all surnamed de los Angeles filed a complaint against private respondents Lorenzo, Sabina, Raymunda, Prudencio, Sixto and Lope, all surnamed Cruz before the then Court of First Instance of Rizal, Seventh Judicial District, Branch VIII, Pasig, Metro Manila, docketed as Civil Case No. 9788. Their complaint was for reconveyance and annulment of title of Lot No. 1, plan Psu-205042, containing an area of 57,413 square meters, more or less, situated at Barrio Patiis, Municipality of San Mateo, Province of Rizal. They alleged therein that the subject land is a portion of their private property which they inherited from their parents, Sixto de los Angeles and Juliana Alberto who, in turn, inherited the same from the latter's mother, Eulalia Criste; that Lot Nos. 2, 4, 5, 6, 8 and 11 of plan Psu-205042 were already titled in their names as a consequence of their filing an opposition to the land registration application filed by one Leon Ramos in LRC Case No. N--4162, LRC Rec. No. N-24182; that on March 5, 1965, they filed an application for registration of the subject land before the same trial court, docketed as LRC Case No. 5148, LRC Rec. No. N-27849; and that while their application was pending, Domingo Cruz, predecessor-in-interest of private respondents, through fraud, concealment and misrepresentation, succeeded in causing the issuance of a free patent covering an area of 80,981 square meters, more or less, which included the subject land, in violation of the Public Land Act and the Free Patent Law and for which Original Certificate of Title No. 512 was issued in his favor on April 1, 1965 and later, Transfer Certificate of Title No. 224458 in the name of private respondents. Petitioners, therefore, prayed that OCT No. 512 and TCT No. 224458 be declared void; and that private respondents be ordered to reconvey to them the subject land.

Traversing the material averments of the complaint, private respondents contended that the issuance of the free patent and OCT No. 512 was in accordance with law since they and their predecessor--in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject land for more than thirty (30) years.

On July 29, 1977, the trial court rendered its decision, the dispositive portion of which, reads:

“From the foregoing, the complaint must be as it is hereby dismissed. The counterclaim must also be dismissed; it is not enough for a party to be entitled to damages that he is compelled to litigate to protect his rights. Convincing proof is required not only as to the damages suffered but more important, that would show the other party was motivated by spite and malice in instituting suit. No such proof is discernible in defendants’ cause.

Defendants, however, are adjudged entitled to reasonable attorney’s fees which are fixed at P5,000.00 which the plaintiffs are ordered to pay, jointly and severally.

The Notice of Lis Pendens under Entry No. 34361 on Transfer Certificate of Title No. 224458 inscribed on July 9, 1968 is ordered cancelled.

With costs against the plaintiffs.

SO ORDERED.”[2]

Petitioners then filed an appeal before public respondent Court of Appeals which, however, affirmed in toto the questioned decision of the trial court.[3] The motion for reconsideration was denied for lack of merit.[4] Hence, the present petition for review on certiorari.

Petitioners assign the following pertinent errors committed by respondent court:

- 1) in ruling that the subject land has not been identified; and
- 2) for failing to annul the free patent and certificates of title.

In support thereof, petitioners allege that private respondents had admitted judicially the identity of the subject land in their answer and in the partial stipulation of facts. The subject land, together with ten other lots of Psu-205042, was originally a big parcel acquired by Eulalia Criste, their grandmother, by virtue of a deed of sale dated August 22, 1895.[5] It was declared for taxation on May 28, 1906 under Tax Declaration No. 535.[6] Their right to the property was derived by inheritance from their parents, Sixto de los Angeles and Juliana Alberto. Sixto de los Angeles declared the property in his name starting 1915 under Tax Declaration No. 2429.[7] Upon the death of petitioners’ parents, they declared the property in their names starting 1949 under Tax Declaration No. 3793.[8] Private respondents acquired the free patent through fraud.

Indeed, private respondents had admitted judicially the identity of the subject land. This is evident in their answer:

“‘4. Defendants admit that portion of paragraph 6, that plaintiffs filed an application for land registration under Land Reg. Case No. 5148, LRC Rec. No. N-27849, but that, defendants filed an opposition because Lot No. 1 of Psu-205042 as surveyed for the plaintiffs which is the subject of registration, is a portion of the land owned by defendants being covered by Original Certificate of Title No. 512, Psu-204509.’

‘6. Defendants deny allegations of paragraph 8 of the complaint, the truth of the whole matter is that defendants were the real owner of Lot No. 1 of Psu-205042 being claimed, by the plaintiffs, as being a portion of the land owned by the defendants covered by Original Certificate of Title No. 512, plan Psu-204509, area of 80,981 square meters, situated in Patiis, San Mateo, Rizal.’ (Italics supplied);”[9] (underscoring supplied)

and in their partial stipulation of facts:

“‘2. That they admit that plaintiffs are claiming Lot 1, Psu-205042, containing an area of 5,413 (sic) square meters, more or less, which is a portion of Psu-204509, now (LRC) Psd-114305.”[10] (underscoring supplied)

But, Our conformity with the assertions of petitioners ends here. In an action to recover, it is not enough that the property has been identified, the title of the plaintiff must also be strong.[11]

After a judicious consideration of the records of this case, We conclude that respondent court did not commit any reversible error in affirming in toto the decision of the trial court. The weakness of petitioners' claim against private respondents is inherent in their complaint. They failed utterly to give teeth to their allegations therein, as We shall discuss now.

The ancient deed of sale by which petitioners' grandmother, Eulalia Criste, acquired the subject property described the lot sold, as follows:

“x x x. Ang nasabing lupa ay mayroong tacal o' sucat na dalawangpu hectareas walong puot, limang areas at anim na puot, siyam na centireas, na ang mga calinga sa bandang Norte ang mga lupang tubohanin ni Feliciano Alberto, Petronilo at Frisco Alvares, sa bandang Este and lupang tinatawag na vecinal nitong bayan, sa bandang Sur and (sic) lupang tubohanin ng mag-asawang Angel Caparas at Aniceta de la Cruz at ng mga magcapatid na D. Mariano at D. Rufino dela Cruz, at sa bandang Oeste ng lupang tubohanin din naman ni Paula San Jose na ngayo'y ang namomosesion ng nasabing magcapatid na D. Mariano at D. Rufino dela Cruz. x x x.”[12]

A cursory examination of the details of the parcel of land sold therein reveals that it is entirely different from the parcel of land covered by private respondents' OCT No. 512 which is described, as follows:

“Containing an area of EIGHTY THOUSAND NINE HUNDRED AND EIGHTY ONE (80,981) SQUARE METERS.

x x x x x x x x

“Bounded on the W., along lines 1-2-3-4 by Mariano Salem; on the NW., along lines 4-5-6-7 by Danday Manahan; on the N., along lines 7-8-9 by Mamerto Reyes (Lot 2, Psu-197424); along line 9-10 by Creek and Properties of Ciriaca Gugol, Dalmacio Vergara and Mariano Salem; on the E., along lines 10--11-12 by Leon S. Ramos (Psu-196804); on the SE., along line 12-13 by Public Land; and on the SW., along line 13-1 by Jose Desiderio.”[13]

Not even Tax Declaration Nos. 2429 and 3793 support petitioners' claim of ownership over the subject land. Tax Declaration No. 2429 covers a parcel of land which has an area of 60 hectares, 85 ares and 9 centares and bounded on the north by Lucio Manahan, Pedro Alvarez and public land, on the east by public lands and Matias de los Angeles, on the south by Angeles Caparas, Mariano Cruz, Dalmacio Natividad and public lands and on the west by Dalmacio Natividad and Leocadio Manahan. On the other hand, Tax Declaration No. 3793 covers a parcel of land which has an area of 35 hectares, 43 ares and 47 centares and bounded on the north by Rufino Manajan, Vicente Gugol and Cirilo Vergara; on the east by legua comunal; on the south by legua comunal and Rufino Cruz; and on the west by Rufino Cruz and Gerarda Manajan. It is very clear that the parcels of land mentioned therein do not have the same areas and boundaries as the parcel of land originally owned by Eulalia Criste. On this score alone, petitioners already lost the legal battle over the subject land.

In petitioners' complaint, they imputed fraud against Domingo Cruz in his application for free patent, videlicet:

“8. That while Land Reg. Case No. 5148, LRC Rec. No. N-27489, is still pending before this Honorable Court, Domingo Cruz, one time farm tenant of the parents of the plaintiffs in the parcel of land above-described, thru fraud, concealment and misrepresentation, succeeded in causing the issuance in his favor on 1 April 1965 an Original Cert. of Title No. 512, Registry of Rizal, for a Free Patent, covering an area of 80,981 square meters, more or less, which includes Lot No. 1, plan Psu-205042, containing an area of 57,413 square meters, more or less, which is a portion of the surveyed (Psu-205042) private property of the herein plaintiffs above-described, to the great damage and prejudice of the latter; x x x”[14]

The trial court brushed aside petitioners' imputation because it was belied by the records of this case:

“x x x. Plaintiffs allege in their complaint that their application was docketed on March 5, 1965 as L.R.C. No. 5148, L.R.C. Rec. N-27849, Cruz’ application for free patent was however filed much earlier; it was subscribed on June 29, 1964. The Notice of Application for Free Patent (Exh. 7) was issued on July, 1964 and contains the caveat that all adverse claims should be submitted on or before July 17, 1964, otherwise they shall forever be barred, while the Order and Approval of Application and Issuance of Free Patent (Exh. 8) was issued on January 13, 1965. It is worth mentioning here that the Final Investigation Report (Exh. 10) which obviously was the basis upon which the Order of January 13, 1965 (Exh. 8) was issued bears the date July 20, 1974 (sic) while the recommendation that the patent be granted is dated July 31, 1964 (Exh. 10-B). The patent title itself, Original Certificate of Title No. 512, is dated April 1, 1965.”[15]

The sophism of this particular allegation on fraud is patent. It appears that the circumstances constituting fraud in Domingo Cruz’s application for free patent, which were enumerated by petitioners in their brief filed before this Court, were not raised by them before the trial court. For this reason, We shall ignore them.[16]

The other allegations of petitioners, being preposterous, are not worthy of any discussion at all.

Having failed to prove ownership of the subject land and fraud in Domingo Cruz’s application for free patent, the dismissal of petitioners’ complaint was proper.

WHEREFORE, the petition is hereby DENIED. The decision of the Court of Appeals dated January 21, 1981 and its resolution dated June 10, 1981 are AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Campos, Jr., JJ., concur.

[1] Penned by Associate Justice Samuel F. Reyes and concurred by Associate Justices Jorge R. Coquia and Mariano A. Zosa.

[2] Pp. 288-289, Rollo.

[3] Pp. 93-94, Rollo.

[4] P. 96, Rollo.

[5] Exhibits “G” and “G-1”.

[6] Exhibit “B.”

[7] Exhibit “C.”

[8] Exhibit “D.”

[9] Pp. 22-23, Petitioners’ brief; p. 436, Rollo.

[10] P. 23, *ibid*.

[11] Article 434 of the Civil Code.

[12] P. 284, Rollo.

[13] P. 2, Exhibit “9-A.”

[14] P. 5, Amended Record on Appeal.

[15] Pp. 284-285, Rollo.

[16] Cordero v. Cabral, G.R. No. L-36789, 123 SCRA 532 (1983).

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