

**PATRICIO SINAON AND MARIA, FRANCISCA AND JOSE, ALL
SURNAMED SINAON, PETITIONERS, VS. ANDRES SORONGON,
ANASTACIA PARREÑO, SOLEDAD PARREÑO, ANA PARREÑO,
MARCELINA, CLARITA, RUFINO...**

G.R. No. 59879. May 13, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

The issue in this case is whether an action for reconveyance of a registered five-hectare land, based on implied trust, would lie after the supposed trustees had held the land for more than forty years.

According to the documentary evidence consisting of public documents and tax records, Judge (later Justice) Carlos A. Imperial in a decree dated March 4, 1916 adjudicated to Canuta Soblingo (Somblingo), a widow, Lot No. 4781 of the Sta. Barbara, Iloilo cadastre with an area of 5.5 hectares. OCT No. 6178-A was issued in 1917 to Canuta (Exh. 6 and 7 or B).

In 1923 Canuta sold the lot to the spouses Patricio Sinaon and Julia Sualibio for P2,000 (Exh. 8). TCT No. 2542 was issued to the Sinaon spouses (Exh. 9 or C). It is still existing and uncanceled up to this time. Julia was the granddaughter of Canuta.

The lot was declared for tax purposes in Sinaon's name (Exh. 3). The Sinaon spouses and their three children paid the realty taxes due thereon (Exh. 1 to 5-C). They have possessed the land as owners from 1923 up to this time or for more than half a century.

Canuta was one of the five children of Domingo Somblingo, the alleged original owner of the lot when it was not yet registered. His other four children were Felipe, Juan, Esteban and Santiago. The theory of respondents Sorongon, et al., which they adopted in their 1968 second amended complaint (they filed the action in 1964) is that Canuta and the Sinaons were trustees of the lot and that the heirs of Domingo's four children are entitled to a 4/5 share thereof.

That theory was sustained by the trial court and the Appellate Court. The trial court ordered the Sinaons to convey 4/5 of Lot No. 4781 to respondents Sorongon, et al. It decreed partition of the lot in five equal parts. The Sinaons appealed to this Court. The respondents did not file any brief.

We hold that after the Sinaons had appeared to be the registered owners of the lot for more than forty years and had possessed it during that period, their title had become indefeasible and their possession could not be disturbed. Any pretension as to the existence of an implied trust should not be countenanced.

The trustors, who created the alleged trust, died a long time ago. An attempt to prove the trust was made by unreliable oral evidence. The title and possession of the Sinaons cannot be defeated by oral evidence which can be easily fabricated and contradicted. The contradictory oral evidence leaves the court sometimes bothered and

bewildered.

There was no express trust in this case. Express trusts concerning real property cannot be proven by parol evidence {Art. 1443, Civil Code). An implied trust "cannot be established, contrary to the recitals of a Torrens title, upon vague and inconclusive proof (Suarez vs. Tirambulo, 59 Phil. 303; Salao vs. Salao, L-26699, March 16, 1976, 70 SCKA 65, 83).

Even assuming that there was an implied trust, plaintiffs' action was clearly barred by prescription (Salao vs. Salao, *supra*, p. 84).

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 the defective memory or death or removal of witnesses (53 C.J.S. 903). See Teves Vda. de Bacong vs. Teves and CA, G.R. No. 50143, October 24, 1983, 125 SCRA 137; Ramos vs. Ramos, L-19872, December 3, 1974, 61 SCRA 284; Gallanosa vs. Arcangel, L-29300, June 21, 1978, 83 SCRA 676 and Sinco vs. Longa, 51 Phil. 507.

It was not necessary for the Sinaons to plead prescription as a defense because there is no dispute as to the dates. There was no factual issue as to prescription (Chita Lamko vs. Dioso, 97 Phil. 821, 824; Ferrer vs. Ericita, LA 1767, August 23, 1978, 84 SCRA 705).

At any rate, the Sinaons invoked in the lower court the ruling laid down in Gerona vs. De Guzman, 120 Phil. 149, 153 that an action for reconveyance of realty, based upon a constructive or implied trust resulting from fraud, may be barred by prescription. The prescriptive period is reckoned from (the issuance of the title which operates as a constructive notice (Diaz vs. Gorricho and Aguado, 103 Phil. 261, 266-267; J.M. Tuason & Co., Inc. vs. Magdangal, 114 Phil. 42, 46-47; Lopez vs. Gonzaga, 119 Phil. 424, 437).

The supposed trust in this case, which is neither an express nor a resulting trust, is a constructive trust arising by operation of law (Art. 1456, Civil Code). It is not a trust in the technical sense (Gayondato vs. Treasurer of the P.I., 49 Phil 244).[*]

WHEREFORE, the judgment of the Court of Appeals is reversed and the complaint is dismissed. The receivership is terminated. The receiver is directed to wind up his accounts.

No costs

SO ORDERED.

Makasiar (Chairman), Abad Santos, Escolin, and Cuevas, JJ., concur.
Concepcion, Jr., J., did not take part.

[*] It was only in 1964 that plaintiffs, now respondents Sorongon. et al., woke up. They had to amend Mich" complaint twice because they were not sure of the facts. They were not able to slate with certainty Domingo's surviving descendants Teodulfo Somblingo. their first witness, and his four brothers, alleged grandchildren of Santiago. Domingo's son. were not joined as plaintiffs (29tsn, July 29, 1969).

Respondents Sorongon, et al. alleged in paragraph 5 of their complaint that Canuta Somblingo was made a trustee because she "was educated." This is false because she was illiterate as shown in the deed of sale, Exhibit 8. They at first alleged that Canuta died without issue. They later discovered that Canuta was survived by the Sinaon petitioners who were her great-grandchildren.

According to Francisca Sinaon, a college graduate, Teodulfo Somblingo, who testified that he was a co-owner of the land, was a hired laborer, one of 15 laborers, who used Patricio Sinaon's carabao in plowing the land (111, 130-2, 135 tsn Feb. 15, 1971). Even after the case was filed, Teodulfo continued to work as athresher (136). Simplicio Somblingo, the husband of plaintiffs' witness, Cornelia Somblingo, was also a hired laborer (112).

The trial court observed that the Sinaons did not present any evidence to dispute the oral testimony that the lot came from Domingo Somblingo. What the court overlooked is that the plaintiffs did not present trustworthy and convincing evidence that Domingo originally owned the lot at all.

Canuta Somblingo-Umadhay, the registered owner, had four children named Presentacion, Rufina, Elena and Fructuoso. As already noted, the land was purchased by Canuta's granddaughter, Julia, and her husband, Patricio Sinaon. The trial court denied Sinaon's motion for new trial which was designed to give him a chance to prove that he and the Umadhays had sufficient means to acquire the disputed lot (108-109. Record on Appeal).

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