

FELDA ALBIENDA, PETITIONER, VS. HON. COURT OF APPEALS, ANGELES SUMAGPAO AND RUBEN SUMAGPAO, RESPONDENTS.

G.R. No. 61416. March 18, 1985

Ponente: ESCOLIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61416/>

ESCOLIN, J.:

The issue posed for resolution in this petition for review of the decision of the then Court of Appeals is whether or not the description of a parcel of land in the petitioner's certificate of title may be corrected to conform with the technical description appearing in the "survey return" on file in the Bureau of Lands, notwithstanding the lapse of more than one (1) year since the issuance of said certificate of title.

Both the Court of First Instance of Agusan del Sur and the Court of Appeals held that such correction is proper. We reverse. Such holding is contrary to the settled principles applicable to the Torrens System of land recording.

There is no dispute as to the facts. The spouses Ruben Sumampao and Angeles Sumampao, private respondents herein, were applicants for a free patent over a piece of the land designated as Lot No. 1548, Pls-67, situated in San Francisco, Agusan del Sur. Claiming that an 8-hectare portion thereof was erroneously included in the technical description of the certificate of title covering Lot 1550, the adjoining land belonging to petitioner Felda Albienda, respondents instituted in the then Court of First Instance of Agusan del Sur an action against Albienda for correction of the latter's certificate of title, TCT No. T-1718, and for recovery of possession of said portion of the land, with damages.

The complaint alleged inter alia that respondents acquired Lot 1548 under a deed of sale dated November 11, 1968 executed in their favor by Antonio Baldonase; that the latter previously purchased said land from Loida Baterbonia, who in turn had bought it from Galicano Ontua, the primitive owner thereof; that having acquired the land in 1968, respondents occupied and cultivated the same, and paid the taxes thereon; that sometime in 1973, petitioner Albienda, claiming ownership over the adjoining land designated as Lot No. 1550, took possession not only of said Lot 1550, but also usurped a portion of eight [8] hectares of Lot 1548 belonging to respondents; and that despite repeated demands, Albienda refused to vacate said portion and to restore possession thereof to respondents.

In her answer, petitioner averred that Lot 1550, containing an area of 196,848 square meters, originally belonged to Enesaria Goma, in whose name the same was registered under the Torrens System on July 23, 1958; that on July 14, 1959, Enesaria Goma sold the land to Gliceria Senerpida who possessed it continuously and peacefully until November 21, 1972, when petitioner acquired the same for value in good faith; that upon registration of the deed of sale executed in favor of petitioner, the latter was issued TCT No. T-1718 covering Lot 1550 with an area of 196,848 square meters, which is the same area stated in the certificates of title of petitioner's aforementioned predecessors-in-interest.

As special defense, petitioner alleged that even granting arguendo that the technical description appearing in her certificate of title was erroneous, the action for correction thereof and for reconveyance of the disputed property

was unavailable, considering that more than one year had elapsed since the issuance of the original certificate of title in 1958 to petitioner's predecessor-in-interest, Enesaria Goma.

The reply subsequently filed by respondents contained the following admissions: that Lot No. 1550 originally belonged to Enesaria Goma, who commenced possession thereof sometime in 1940; that said land was registered in her name on July 23, 1958; that on July 14, 1959 Enesaria Goma sold the land to Gliceria Senerpida who in turn conveyed it to petitioner Albienda by virtue of a deed of absolute sale dated November 21, 1972. Respondents further admitted that petitioner was issued a certificate of title covering the said Lot No. 1550, but claimed that "the technical description in the title is spurious in origin because it does not tally or conform to the technical description in the survey return submitted by the Bureau of Lands surveyors who conducted the survey of the said land." [1]

Issues having been joined, the respondents filed a motion for summary judgment. Said motion, as well as the documents and affidavits attached thereto disclose that on August 22, 1958 Loida Baterbonia, respondents' predecessor-in-interest, wrote the Director of Lands requesting a recomputation of the respective areas of the adjoining properties known as Lot 1548 and Lot 1550; that the chief of survey party No. 15-D, stationed in San Francisco, Agusan, to whom said letter was referred, issued an indorsement dated December 2, 1958 stating that "it is believed that there has been a mistake in the computation of the technical description of Lot 1550 x x x inasmuch as at the time the said computation was done in Manila the plan was not yet available as it was still in this [the Agusan] office." [2] It appears that thereafter no further action was taken on Baterbonia's letter.

Acting on the motion for summary judgment, the trial court rendered a decision in favor of the respondents Sumampaos, the dispositive portion of which reads as follows:

"In view of the foregoing considerations, the court hereby renders summary judgment in favor of plaintiffs and against defendants and hereby orders the government officials concerned to make the necessary corrections in TCT No. 1718 in the name of Felda Albienda of Lot No. 1550, Pls-67, Rosario and Vicinity Public Lands Subdivision, Lapinigan, San Francisco, Agusan del Sur to conform to the survey return and technical descriptions prepared by Guillermo Ferraris, Chief, Regional Surveys Division, Bureau of Lands, Cagayan de Oro City [Exh. B]; that defendants are hereby ordered to vacate the area overlapped or encroached by them on said lot and to turn over the possession of the same to plaintiffs. With costs against defendants." [p. 26, Record on Appeal].

Failing to obtain reconsideration of the decision, petitioners appealed to the then Court of Appeals which affirmed said decision in toto. Hence, the present petition.

We find the petition impressed with merit. The primary and fundamental purpose of the Torrens System is to quiet title to land, to put a stop forever to any question as to the legality of the title except claims which were noted in the certificate at the time of registration, or which may have arisen subsequent thereto. [3]

Section 38 of the Land Registration Act which is pertinent to the issue at hand is clear and unambiguous: "Every decree of registration shall bind the land, and quiet title thereto x x x it shall be conclusive upon and against all persons x x x whether mentioned by name in the application, notice, or citations, or included in the general description 'To All Whom It May Concern.'" It is a settled doctrine that even when the decree of registration has been obtained by fraud, the party defrauded has only one year from entry of the decree to file a petition for review before a competent court, and such petition can prosper only if no innocent purchaser for value has acquired an interest in the land. Said Section 38 categorically declares that "upon the expiration of the said term of one [1] year every decree or certificate of title issued in accordance with this section shall be incontrovertible."

In the case at bar, it is undisputed that the original certificate of title covering Lot 1550 was issued on July 23,

1958 in favor of Enesaria Goma, the petitioner's predecessor-in-interest. The fact that sometime in October 1958 Loida Baterbonia had written the Director of Lands for a recomputation of the area set forth in the certificate of the said land is of no moment, for up until the sale of Lot 1550 to petitioner in 1972, no action had been brought before a court of competent jurisdiction to correct the error, if indeed there was such error.

The instant action to correct the certificate of title in question was filed on July 13, 1977 or about 19 years after the issuance of said certificate of title. Since the period allowed by law for setting aside the decree of registration of a certificate of title had long elapsed, the original certificate of title issued in the name of petitioner's predecessor-in-interest had become indefeasible. The Transfer Certificate of Title derived therefrom is likewise unassailable, for under Section 39 of Act 496, "every person receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value in good faith shall hold the same be free of all encumbrance except those noted on said certificate."

We have heretofore emphasized, and we do so now, that every person dealing with registered land may rely on the correctness of the certificate of title issued therefor and the law will in no way oblige them to go behind the certificate to determine the condition of the property. As aptly put in *Cabanos vs. Register of Deeds*:^[4]

"After the absolute and exclusive ownership of a realty is decreed by a court in favor of a person, if a right, whatever its nature is, born before the judicial decree of registration, can afterwards be exercised in an ordinary suit beyond the period fixed by the aforesaid section 38 of the Land Registration Act No. 496, then all the provisions and decrees of said Act would be useless inasmuch as the holder and the possessor of the title, which, according to the Act is indefeasible and efficacious, would never be secure in his possession and enjoyment of his property, for he would always be exposed, by one motive or another, to lose his right over the realty notwithstanding the title he has secured."

WHEREFORE, the judgment appealed from is hereby set aside. No costs.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Abad Santos, and Cuevas, JJ., concur.
Aquino, J., see concurrence.

[1] p. 21, Record on Appeal

[2] p. 27, Record on Appeal

[3] *Legarda v. Saleeby*, 31 Phil. 593

[4] 40 Phil. 620

CONCURRING

AQUINO, J.,

I concur because Felda Albienda is a purchaser in good faith and for value of Lot No. 1550 with an area of 19.6 hectares which was originally registered in 1958 in the name of Enesaria Goma who sold it in 1959 to Gliceria Senerpida. Albienda acquired the lot from Senerpida in 1972 and obtained TCT No. T-1718.

In contrast, the adjoining Lot No. 1548, of which a portion of eight hectares was erroneously included in the title for Lot No. 1550, is unregistered land. Galicano Ontua in 1958 sold it to Loida Baterbonia who in turn sold the

same lot to Antonio Baldonase. The later sold it to the Sumagpao spouse in 1968.

It is risky to buy unregistered land because its area has not been determined with finality. Bateria in 1958 already wrote to the Director of Lands about the supposed mistake in the area of Lot No. 1548.

The remedy of the sumagpaos is against their predecessors-in-interest, not against Albienda who justifiably relied on the Torrens title.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.