

LEONILA REYES AND JOSE REYES, PETITIONERS-APPELLANTS, VS. ISABEL CANIVEL REYES, AS ADMINISTRATRIX OF THE ESTATE OF MA. CARMEN CASTOR AND INTERMEDIATE APPELLATE COURT, RESPONDENT...

G.R. No. 69273. October 18, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the validity of the free patent alleged to have been fraudulently obtained by Leonila R. Reyes for Lot 1481 with an area of 2,390 square meters located at McKinley Street, Plaza Washington, near the municipal building of Candaba, Pampanga.

In the extrajudicial partition of the estate of the deceased spouses, Policarpio Castor and Anselma Pelayo, dated August 4, 1936, a house and lot, with an area of 2,457 square meters, located in the poblacion of Candaba, were adjudicated to their daughter, Maria Carmen Castor, while the adjoining lot, with an area of 967 square meters, was given to another daughter, Urbana (Pars. K and P, Exh. 1).

In the deed of sale dated August 8, 1961 Maria C. Castor sold to her sister Urbana Castor Vda. de Reyes for P1,000 "the northern portion" with an area of 1,970 square meters of Lot No. 2751, PLS-476, located in the poblacion of Candaba (Exh. 5). It was stated in the deed of sale that said portion "is at present in the actual possession of" Urbana (Exh. 5). The parties herein agreed that Lot 2751 should be understood as Lot 1481 (p. 4, Annex D).

On July 20, 1966 Urbana sold for P1,000 to her daughter Digna C. Reyes the said northern portion of Lot 1481 except the house of strong materials located thereon (Exh. 11).

On August 8, 1971 Digna, in consideration of P5,000, relinquished in favor of her sister, Leonila R. Reyes, and one Diego C. Reyes all her rights and interests in Lot 1481, PLS-476 erroneously described as being located in Barrio San Agustin, and in Lot 2751, PLS-476 alleged to be located in Paralaya, Candaba. The relinquishment was made in a private document later sworn to before a land examiner (Exh. F and 8).

In December, 1971 Leonila filed with the Bureau of Lands a free patent application for said Lot 1481 with an area of 2,390 square meters located in "Barrio San Agustin", Candaba. After a representative of the Bureau of lands had ascertained that Leonila had complied with the legal requirements, the application was approved. On March 13, 1973 the Secretary of Agriculture and Natural Resources issued to Leonila a free patent. The register of deeds issued to her OCT No. 962 on March 27, 1973 (Exh. 4).

That is the questioned patent which actually covers Lot 1481, a residential lot in the poblacion. It is not located in Barrio San Agustin.

Isabel Canivel-Reyes, the judicial administratrix of the estate of Maria Carmen Castor, who died testate on July

16, 1973, sued Leonila and the Director of Lands for the cancellation of Leonila's title and the reconveyance of the lot, with an alleged area of 1,731 square meters. She alleged that Leonila fraudulently secured the free patent by misrepresenting that the residential lot was riceland. Isabel's children are the testamentary heirs of Maria C. Castor.

The lower court, in its 1981 decision, dismissed the complaint. The Appellate Court, in its decision dated June 30, 1983, reversed the judgment of the trial court, declared Leonila's title void and considered the estate of Maria C. Castor the owner of 1,731 square meters, a portion of Lot 1481.

On motion for reconsideration, Justices PV Sison, Zosa and Jurado reiterated that decision but Justices Bidin and Veloso, dissenting, opined that Leonila should reconvey to the estate of Maria C. Castor only 420 square meters (with the house), which is the difference between 2,390 square meters, as the area of Lot No. 1481, and 1,970, the area acquired by Leonila. She appealed to this Court.

We hold that the Appellate Court's decision cannot be sustained because it is not true that the estate of Maria C. Castor is entitled to 1,731 square meters.

That conclusion was arrived at by subtracting 1,970 square meters from 3,701 square meters, the alleged total area of the land of the Castor spouses as shown in the tax declaration. That conclusion is not correct because it disregards the fact that Urbana Castor inherited 967 square meters from her parents, the Castor-Pelayo spouses.

On the other hand, the trial court's decision cannot be affirmed because it overlooks the fact that Maria C. Castor sold only 1,970 square meters and not the entire Lot 1481 with an area of 2,390 square meters, that the house was not included in the sale and that Leonila R. Reyes misrepresented that Lot 1481 was riceland.

Now, what is the total area of the land of the Castor-Pelayo spouses at the corner of McKinley Street and Castor Road? If said land consists of Lots 1481 and 2751, as seems to be the case, then its area is 4,322 square meters, as shown in Isabel Canivel-Reyes' survey plan dated February 25, 1974, Exhibit K.

According to the tax declarations since 1918, Exhibits L-1 to L-9, the total area is 3,701 square meters. According to the petitioners, it is 3,356 square meters (pp. 32-33, Rollo).

But whatever may be the total area, it is undisputed that the northern portion sold in 1961 by Maria to her sister Urbana has an area of 1,970 square meters and that Urbana inherited in 1936 967 square meters from her parents, the Castor spouses. So, Leonila is entitled to the said 1,970 square meters and the heirs of Urbana are entitled to 967 square meters. The remainder is what should pertain to the estate of Maria C. Castor.

This case could have been avoided (1) if Urbana declared for tax purposes the 967 square meters which she inherited from her parents, (2) if the draftsman of the 1961 deed of sale, Exhibit 5, attached a location sketch to the deed, indicating the northern portion with an area of 1,970 square meters, the 967 square meters and the portion that remained with Maria C. Castor after the sale and (3) if Leonila did not get a free patent for the residential lot contrary to the Public Land Law.

WHEREFORE, the decisions of the trial court and the Appellate Court are reversed and set aside. Judgment is hereby rendered confirming the right of Leonila R. Reyes to 1,970 square meters and the right of the heirs of Urbana Castor Vda. de Reyes to 967 square meters out of the land originally belonging to the Castor-Pelayo spouses or a total of 2,937 square meters.

The estate of Maria Carmen Castor is entitled to the remainder of the disputed land including the old Spanish house thereon.

The trial court is directed to segregate said portions. The expenses of the survey should be borne equally by the

estate of Maria C. Castor and Leonila R. Reyes. The register of deeds is directed to cancel OCT No. 962 and to issue the corresponding titles for the said portions. No costs.

SO ORDERED.

Escolin, Cuevas, and Alampay, JJ., concur.

Patajo, J., was designated to sit in the Second Division.

Concepcion, Jr., and Abad Santos, JJ., no part.

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