

**SPOUSES DIOSDADO NUGUID AND MARIQUETA VENEGAS,
PETITIONERS, VS. COURT OF APPEALS, AMORITA GUEVARRA,
TERESITA GUEVARRA, NARCISO GUEVARRA, MARCIANA DELA
ROSA, BERNABE BUENAVENTURA...**

G.R. No. 77423. March 13, 1989

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

This petition seeks the reversal of the decision of the Court of Appeals declaring the private respondents owners of one- half portion of the property subject of this case.

The petitioners were the defendants in a suit commenced by the private respondents before the Court of First Instance (now Regional Trial Court) of Bataan.[1] The antecedent facts may be summarized as follows:

The deceased spouses Victorino and Crisanta dela Rosa were the registered owners of a parcel of land with an area of 231 square meters, situated in Orani, Bataan, and covered by Original Certificate of Title No. 3778. On or about May 4, 1931, Victorino dela Rosa (widowed by then) sold one-half of the said property to Juliana Salazar for P95.00. This sale, though evidenced by a document,[2] was not registered. Immediately after the sale, Juliana Salazar constructed a house on the lot she purchased.

On March 10, 1964, petitioner spouses (defendants below) caused the registration of a document entitled "Kasulatan ng Partihan at Bilihan" (hereinafter referred to as Exhibit "D"),[3] dated June 6, 1961. In this document Marciana dela Rosa (who is among the private respondents), Victoria Buenaventura, Ernesto Buenaventura, Virgilio Buenaventura, and Felicisimo Buenaventura — all heirs of Victorino and Crisanta dela Rosa— sold to the petitioners the entire area of the property abovementioned for the sum of P300.00. Subsequently, OCT No. 3778 was cancelled by the Register of Deeds of Bataan, and Transfer Certificate of Title No. T-12782 was issued in the names of the petitioners.

The private respondents claim that Exhibit "D" is a forged deed in that: 1) the signature of Marciana dela Rosa appearing therein is a forgery; 2) it is not true that, as stated in the deed, Luisa dela Rosa (sister of Marciana), at the time of her death, was a widow; 3) none of the heirs-signatories to the deed received any consideration for the supposed sale; and 4) Luisa dela Rosa is survived not only by four, but by five children (the fifth child, respondent Julieta Buenaventura, was not mentioned in the deed).

The private respondents allegedly discovered the forged deed as well as the certificate of title in the name of the petitioners much later, that is, on February 28, 1978, when respondents Amorita Guevarra and Teresita. Guevarra thought of having the title of their grandmother Juliana Salazar, registered.

On the other hand, the petitioners assert that sometime in the latter part of 1960, the land subject of this case was offered to them for sale by Nicolas dela Rosa, uncle of respondent Marciana dela Rosa and grandfather of the other heirs-signatories to Exhibit "D". Apparently, Nicolas dela Rosa claimed that he had already purchased the

shares of the heirs over the subject property as evidenced by a private document entitled "'Kasunduan'" (hereinafter referred to as Exhibit "6") dated August 31, 1955; as a matter of fact, he had in his possession the original certificate of title covering the property in the name of the deceased Victorino and Crisanta dela Rosa. He promised, however, that he would arrange for a direct sale to be made by the heirs in favor of the petitioners. Consequently, Exhibit "D", as mentioned earlier, was executed. The petitioners stress that even before they decided to buy the subject property, they made an ocular inspection thereof and questioned the occupants therein to verify its real ownership. They underscore the fact that the persons whom they found occupying the property did not at all assert adverse ownership over the same.

The trial court rendered judgment dismissing the complaint filed by the private respondents, but on appeal, this was reversed by the Court of Appeals.[4] To quote the dispositive portion of the appellate court's decision:

WHEREFORE, finding the decision of the lower court to be with reversible error, the decision dated May 1, 1982 is hereby ordered REVERSED and a new one entered declaring plaintiffs to be owners of 115.5 square meters of Lot 678. Defendants are hereby ordered to execute a deed of reconveyance in favor of plaintiffs over the said area within thirty (30) days from the finality of this decision, otherwise, the Register of Deeds will be ordered to execute one in favor of the plaintiffs. With costs against the defendants plus attorney's fees in the amount of P500.00.

SO ORDERED.[5]

From the foregoing, this petition for review was filed. We find merit in the petition.

From the start, the respondent court erred in treating the private respondents as though they all belong to one group of heirs whose right is derived from one ancestor, when actually, the private respondents should be categorized into two groups.

To one group belong the respondents Amorita, Teresita and Narciso, all surnamed Guevarra. As children of Pedro Guevarra and Pascuala Tolentino, and grandchildren of Juliana Salazar, they claim to have succeeded to the ownership over the one-half portion of land which was sold to Juliana Salazar. The remaining private respondents, Marciana dela Rosa, Bernabe Buenaventura, and Julieta Buenaventura, make up the second group of heirs who claim to have derived, by succession, their ownership over the other half of the subject property from their predecessors-in-interest, the original registrants, Victorino and Crisanta dela Rosa.

Analyzing the case before us in this manner, we can immediately discern another error in the decision of the respondent court, which is that said court, with absolutely no basis, sweepingly adjudged all of the respondents co-owners of one-half of the subject property. Clearly, it was a glaring error for the Court of Appeals to have so ruled because as a matter of fact, the respondent heirs of Victorino dela Rosa were claiming a half of the entire property which is separate and distinct from the other half claimed by the respondents Guevarras.[6]

Surprisingly, none of the private respondents appealed the above decision of the Court of Appeals. Consequently, they are deemed to have accepted the said erroneous decision declaring them, collectively, owners of one-half of the subject property. In effect, only this portion of the property is being presently disputed by the contending parties. As regards the other one-half portion, it is now settled (by virtue of the private respondents' acceptance of the Court of Appeals decision) that the same is the property of the petitioners.

Insofar as the respondent heirs of Victorino dela Rosa are concerned, undoubtedly they are not entitled to any portion of the disputed property. Respondent Marciana dela Rosa is bound by her signature appearing on Exhibit "D". This public document evidencing the sale of the subject property to the petitioners was executed with all the legal formalities of a public document, to wit:

The "Kasulatan ng Partihan at Bilihan" (Exhibit D, Exhibit 1) was duly witnessed by Ricardo L. Santos and Pablo R. Buenaventura, proven to be relatives both of Marciana dela Rosa and the Buenaventuras who were then at the municipal building of Orani, Bataan, when the "Kasulatan ng Partihan at Bilihan" was notarized by Fernando J. Rivera, Justice of the peace of Orani, Bataan, in his capacity as ex officio notary public. It should be noted that all the parties were from Orani, Bataan, and the notary public, who notarized the document, was the justice of the peace of Orani, Bataan, acting in his capacity as ex officio notary public.[7]

Indeed, the legal presumption of the regularity of the above notarized contract was not rebutted successfully. The courts below were one in concluding that the alleged forgery of respondent Marciana dela Rosa's signature was not proven. Likewise, the private respondents' allegation of absence of consideration of the contract was not substantiated. Under Art. 1354 of the Civil Code, it is presumed that consideration exists and is lawful, unless the debtor proves the contrary[8]

Noteworthy is the fact that of the five heirs who signed Exhibit "D", only one, the respondent Marciana dela Rosa, impugned its genuineness and due execution, as well as the authenticity of her signature thereon; and she alone joined the other respondents in this suit.

In the case of the respondents Bernabe Buenaventura and Julieta Buenaventura, the trial court correctly declared that:

x x x With his signature appearing in the "Kasulatan"[9] (Exhibit 6) and his affirmation that his wife, Luisa dela Rosa, who was a sister of Marciana dela Rosa and also a daughter of Victorino dela Rosa and Crisanta dela Cruz, had sold her share of Lot No. 678 to Nicolas dela Rosa, plaintiff Bernabe Buenaventura could no longer be heard to complain. And if, plaintiff Julieta Buenaventura were prejudiced, her logical recourse would be to go after her own kin.[10]

Since no evidence was introduced on the point, the trial court surmised that respondent Julieta Buenaventura was probably a minor at the time of signing of Exhibits "D" and "6".

It must be noted that although respondent Bernabe Buenaventura disowned his signature on Exhibit "6", there was no effort on his part to prove such claim. Forgery cannot be presumed. It must be proved.[11]

At any rate, the question of whether or not the abovementioned signatures were forged would become irrelevant if, on the other hand, the petitioners are able to establish that they acquired the subject property in good faith. For, indeed, an innocent purchaser for value is protected such that when land has already passed into the hands of an innocent purchaser for value, reconveyance of the same can no longer be made.[12]

On the other hand, the claimed ownership of the respondent heirs of Pedro and Pascuala Guevarra over the property is anchored on the prior sale thereof to their grandmother, Juliana Salazar. The situation, in effect, is that contemplated by Article 1544 of the Civil Code,[13] a double sale. Parenthetically, although the second sale (to the petitioners herein) was made by the heirs of the deceased Victorino dela Rosa, the said heirs are deemed the judicial continuation of the personality of the decedent.[14] Essentially, therefore, the first and second sales were made by the same person, as envisioned under Article 1544 of the Civil Code, quoted earlier (footnote No. 13). The disputed property being immovable property, the ownership should belong to the vendee who in good faith first recorded it in the Registry of Property, pursuant to the same article.

It is an established fact that the first sale to Juliana Salazar was not registered while the sale to the petitioners was registered. However, it is contended by the respondents Guevarras that they have a better right as against the petitioners because the element of good faith was lacking as regards the latter.

Whether or not there was good faith in the purchase of the land and in the subsequent registration of title acquired

in the Registry of Property is, therefore, the central issue in this case.

We agree with the trial court's finding that the petitioners are purchasers in good faith.

The Original Certificate of Title No. 3778 covering the entire property was clean and free from any annotation of an encumbrance.[15] and there was nothing whatsoever to indicate on its face any vice or infirmity in the title of the registered owners—the spouses Victorino and Crisanta dela Rosa. Thus, the petitioners could not have known of the prior sale to Juliana Salazar as, precisely, it was not registered. The general rule is that if the property sold is registered land, the purchaser in good faith has a right to rely on the certificate of title and is under no duty to go behind it to look for flaws.[16] This notwithstanding, the petitioners did not rely solely upon the certificate of title. They personally inspected the subject property. Undeniably, they found the same to be occupied by two houses, one belonging to a certain Doray dela Rosa and the other to spouses Pedro Guevarra and Pascuala Tolentino, parents of the respondents Guevarras. Upon being informed of the petitioners' desire to purchase the land, Doray dela Rosa apparently offered to sell her house, which offer was accepted by the petitioners. As regards the spouses Guevarra, we find no reason to disturb the trial court's finding that they themselves requested that they be allowed to remain on the property until such time that the petitioners would need the entire premises; and in lieu of rentals to the petitioners, they offered to continue paying the real estate taxes for one-half of the property as this was their arrangement with the previous owners — to which request the petitioners acceded.[17] Evidently, neither Doray dela Rosa nor the spouses Guevarra professed ownership over the portions of land they were occupying; on the contrary, by their actuations they expressly acknowledged that they were not the real owners of the said property. The spouses Guevarra, in particular, made no mention of the prior unregistered sale to their predecessor-in-interest, Juliana Salazar. Thus, when the petitioners registered the sale in their favor with the Register of Deeds, they did so without any knowledge about the prior sale in favor of Juliana Salazar. The petitioners, therefore, had acted in good faith.

The basis for the Court of Appeals' conclusion that petitioners were buyers in bad faith is, to say the least, ambiguous. Said court appears to have relied on the singular circumstance that the petitioners are, like the respondents, from Orani, Bataan, and as such, according to the court, they should have personally known that the private respondents were the persons in actual possession and not Doray dela Rosa and Pedro Guevarra. The respondent court's premise, therefore, is that the private respondents were the actual occupants of the property.

There is, however, nothing in the record to sustain the validity of the above premise. At the time of the purchase, the petitioners dealt with Pedro Guevarra and Pascuala Tolentino, the latter being the actual occupants. The respondents Guevarras, children of the said Pedro and Pascuala Guevarra, came into the picture only after their parents died. As for the respondent heirs of Victorino dela Rosa, their being in actual possession of any portion of the property was, likewise, simply presumed or taken for granted by the Court of Appeals.

The private respondents can not honestly claim that they became aware of the petitioners' title only in 1978. Ever since the petitioners bought the property in 1961, they have occupied the same openly, publicly, and continuously in the concept of owners, even building their house thereon. For seventeen years they were in peaceful possession, with the respondents Guevarras occupying less than one-half of the same property. If the petitioners are mere usurpers, why did the private respondents complain only now? Moreover, they have not bothered to explain in what capacity are the petitioners occupying the land, if not as legal owners. Consequently, we are more inclined to accept the petitioners' explanation that the private respondents have initiated this suit because of their (the petitioners') refusal to sell to the respondents Guevarras that portion of the land which the latter are occupying, coupled with the petitioners' demand for the said private respondents to vacate the same.

Anent the other issues raised in the petition, these do not need further discussion, being merely subordinate to the

main issue of good faith.

WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals is SET ASIDE, and that of the Court of First Instance (now Regional Trial Court) of Bataan, Branch I is hereby REINSTATED.

Costs against the private respondents.

SO ORDERED.

Melencio-Herrera (Chairman), Paras, Padilla, and Regalado, JJ., concur.

[1] Branch 1, presided over by Judge Abraham P. Vera.

[2] Rollo, 33-34.

[3] Rollo. 34-37.

[4] Castro-Bartolome. Floreliana. j., ponente: Coquia. Jorge R.. Zosa. Mariano A., and Ejercito. Bienvenido C..JJ.. concurring.

[5] Rollo. 26-27.

[6] Rollo. 32.

[7] Rollo, 109.

[8] Penaco vs. Ruaya, No. L-28102, Dec.14, 1981, 110 SCRA

[9] Should be "KASUNDUAN." Rollo. 88. as distinguished from "KASULATAN" (Exh. "D" or "1").

[10] Rollo, 108.

[11] Siasat vs. Intermediate Appellate Court. No. 1,-67X89. Oct. 10. 1985, 139 SCRA 238.

[12] Seno vs. Mangubat. No. L,-44339. Dec. 2. 1987. 156 SCRA 113; Rosario vs. Rosario. No. L.-9701. July 31. 1957. 101 Phil. 972.

[13] Art. 1544. If the same thing should have been sold to different vendees. the ownership shall be transferred to the person who may have first taken possession thereof in good faith if it should be movable property.

Should it be immovable property, the ownership shall belong to the person acquiring it who in good faith recorded it in the Registry of Property.

Should there be no inscription, the ownership shall pertain to the person who in good faith was first in the possession: and. in the absence thereof, to the person who presents the oldest title, provided there is good faith.

[14] Alzona vs. Capunitan. No. L-10228. February 28. 1962. 4 SCRA 450.

[15] Rollo. 112.

[16] Mallorca vs. Deocampo, No. L-26852. March 25, 1970. 32 SCRA 48.

[17] Rollo, 112.

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