

MANUEL E. CUYUGAN, PETITIONER-APPELLEE, AND LIM TUICO, ACTUAL OWNER, APPELLEES, VS. PEDRO SY QUIA, RESPONDENT-APPELLANT.

G.R. No. 7857. March 27, 1913

Ponente: MORELAND, J.

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MORELAND, J.:

This is a proceeding before the Court of Land Registration for what is alleged to be a correction in a decree of that court made in the year 1907 registering title to certain land described therein.

The original application which resulted in the decree aforesaid was made in the name of Manuel E. Cuyugan y Vergara. Pedro Sy Quia, who owned the land bounding upon the north side the lands sought to be registered, opposed the registration. After a trial in the Court of Land Registration the opposition of Sy Quia was overruled and the property was registered in the name of Manuel E. Cuyugan y Vergara aforesaid. After the registration of the land Manuel E. Cuyugan y Vergara sold the same to Lim Tuico in the manner prescribed in Act No. 496.

Until the 19th of December, 1911, no controversy had arisen between Pedro Sy Quia and Manuel E. Cuyugan y Vergara or his grantee, Lim Tuico, in regard to the actual location of the line between their lands as described and defined in the decree of registration entered on the 11th day of July, 1907. On said December 19, 1911, the city of Manila presented to the Court of Land Registration the following writing:

"[Expediente No. 3325. Mariano Cuyugan, applicant]

"The city of Manila by its attorney appears and respectfully sets forth to the court:

"I. That the plan of the land to which the above proceedings refer contains an error of closure greater than 1/1500;

"II. That the city of Manila is interested in the correction of said error for the reason that it must condemn a part of said land for a public street.

"Therefore, said city prays the court to order a new measurement of said land described in the plan filed in this proceeding."

Upon this application the Court of Land Registration made an order for a resurvey of said premises, and, upon the coming in of the report of the surveyor and of the plan accompanying the same, an order was entered on the 25th of January, 1912, "fixing a time and place for the hearing of the matter and the approval of said plan, of which order all the interested parties were duly notified." Upon the hearing thus set there appeared the city of Manila, Lim Tuico, and Pedro Sy Quia. Without any of the parties objecting to or in any way questioning the power or authority of the city of Manila to begin such a proceeding, trial was had, evidence was introduced by the city, by Lim Tuico, and by Sy Quia relative to the location of the line between the lands registered and the lands of Sy Quia. Upon the evidence thus adduced the Court of Land Registration entered a decree providing:

"(a) That said new plan, being folio No. 68 of expediente No. 3325, be approved;

"(b) That the certificate of title and duplicate thereof, entered and issued as aforesaid in the name of the said Lim Tuico, be canceled by the registrar of deeds of the city of Manila and that a new certificate of title be entered and a new duplicate issued to said Lim Tuico, including therein the technical description contained in said new plan, as follows: (New description.)

"(c) That, for the purpose indicated, the duplicate certificate of title issued to the said Lim Tuico be delivered up to the said registrar of deeds without delay."

This appeal is from that decree.

A comparison of the plan which was the basis of the original registration with the plan made under the proceedings initiated by the city of Manila discloses a difference in the size of the parcel of land which the two plans are supposed to describe. There also appears from such comparison a difference in the direction of one or more of the lines which mark the limits of said land. It appears from the record, indeed it is the cause of the controversy now before us, that the new plan takes from Sy Quia a small piece of land which pertained to him under the original plan and decree of the Court of Land Registration. In other words, the result of the proceedings instituted nearly four years after the final decree of the Court of Land Registration, Which final decree definitely and finally registered the land therein described, extends the limits of the land thus registered toward and upon the lands of Sy Quia, thereby depriving him of land which was found to belong to him in the proceedings resulting in said decree and which lands, by virtue of such finding, were excluded from registration in the name of Manuel E. Cuyugan y Vergara. It is thus seen that, under and as a result of proceedings begun by the city of Manila, the Court of Land Registration has opened a final decree of that court and changed not only the description but the area of the land registered by that decree.

This proceeding seems to have been conducted by the city of Manila, by Lim Tuico, and by the court upon the theory that its object was and the result would be the correction of a decree of the Court of Land Registration. That idea prevails throughout the case. It is manifest in the citation by the court of section 112 of Act No. 496 to support its power to maintain the proceeding, and it is apparent in the evidence and arguments presented by the appellee. We are of the opinion, however, that that is error. Whatever the intention of the parties and of the court may have been the result was not the correction of a decree but the making of a new decree upon new evidence. It was not the changing of a decree but the changing of the evidence upon which the decree was based. It is not questioned by any of the parties or contradicted by any portion of the record that the original decree, entered on the 11th day of July, 1907, was in its provisions in strict accord with the evidence in the case. The same description appears in the decree that appears in the plan submitted describing the lands registered. That plan was made by an expert surveyor who testified upon that proceeding to its correctness and to the location of the lines marking the boundaries of the lands registered. If there was a mistake in that description as given by the plan and the testimony given by the surveyor who made it to prove its correctness, it was a mistake of evidence, an error of fact. A decree entered upon facts which are not true is not itself erroneous. It is a perfectly correct decree according to the evidence in the case. No other decree could have been entered. A decree which is at variance with the evidence presented to support that decree is an erroneous decree and, within certain limitations, may be corrected to conform to the evidence; but a decree which is entered in accordance with the evidence is not an erroneous decree but a correct one.

From this it is clear that what the Land Court attempted and accomplished was not the correction of a decree but the retrial of the case with the production of new and conflicting evidence and the entering of a new decree thereupon. That the proceeding was a new trial essentially is demonstrated by the fact that Lim Tuico claimed that the northern line was located at one place and introduced evidence to support that contention, while Sy Quia

claimed that said line was located at another place and introduced evidence to support his contention. Different surveyors were presented as witnesses and gave conflicting testimony as to where the line between Lim Tuico and Sy Quia was really located. Upon this conflicting evidence the court found that the line was located differently from what its location was found to be on the trial of case No. 3325 which resulted in the decree of July 11, 1907. It found that, according to the preponderance of the evidence, the line was located as described in the new plan made by the surveyor favorable to Lim Tuico and adjudged that the land registered in 1907 was not correct in amount or description. It, therefore, decreed the registration of the newly described parcel of land.

It is our opinion that the Court of Land Registration exceeded its authority. The original and fundamental purpose of Act No. 496 was to settle finally and for all time the title to land registered. A decree of registration cannot be permanent if the limits of the land therein registered may be changed or the amount of land so registered altered by a subsequent adjudication of said court based upon new evidence tending to show that the evidence introduced on the former hearing was incorrect. The fact that A, who obtains a judgment against B for P1,000, subsequently discovers that the evidence which he gave on the trial of that case erroneously showed that the sum due him was P1,000 instead of P1,500, the amount really due him, does not permit him to apply to the court four years later to open said judgment, retry the case, introduce evidence establishing a debt of P1,500, and obtain a judgment against B for P1,500 instead of P1,000, under cover of the claim that he had made a mistake in giving his evidence originally.

It is of no importance that the claim in this proceeding is made that the error complained of is one of closure. The naming of the error does not alter its nature nor does it alter the nature of the proceeding based upon it. The difficulty is that, while the city of Manila alleges that there is an error, Sy Quia, who is injured by its correction if it be an error, denies that such error existed or exists and produces witnesses to sustain his denial. Where an error of evidence is alleged there always results an issue of fact if the existence of the error is denied by the opposing party. Just as in the example given, B comes forward and alleges that there was no error in A's evidence tending to show a debt of P1,000 for the reason that he never owed A more than P1,000, thus producing an issue, so, in the present case, Sy Quia comes forward and says there was no error in the former description, that the line located in the original plan was properly located, and denies, producing witnesses to support that denial, that Lim Tuico has any right or authority in fact or in law to take from him any land by any proceeding whatever, especially under cover of correcting an error.

Moreover, contests arising over the location of division lines are actions in personam and must be tried in the ordinary courts of law and not in the Court of Land Registration. They are actions involving the title to real estate, damages for illegal detention, for the cutting of timber, or the taking of crops. Sometimes they are for ejectment and sometimes for trespass. After the land has been registered the Court of Land Registration ceases to have jurisdiction over it for any purpose and it returns to the jurisdiction of the ordinary courts of law of the Islands for all subsequent purposes. The only authority remaining in the Court of Land Registration after its decree becomes final is that given to it by section 112 of Act No. 496. That section does not convey authority to conduct a proceeding like the present or to take cognizance in any way of disputes subsequently arising between adjoining owners and owners of the land registered.

The judgment appealed from is reversed and the proceeding dismissed. No costs. So ordered.

Arellano, C. J., and Torres, J., concur.

Trent, J., concurs in the result.

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