

LUNESA BALANGCAD, PETITIONER, VS. HON. JUSTICES OF THE COURT OF APPEALS, 5TH DIVISION HON. JUDGE REGIONAL TRIAL COURT, BANGUED, ABRA BR. II, PROV. SHERIFF & DEPUTIES, FEDERICO A...

G.R. No. 84888. February 12, 1992

Ponente: CRUZ, J.

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CRUZ, J.:

This petition can be denied outright on the purely procedural ground of tardiness.

The decision of the Regional Trial court of Bangued, Abra, in Civil Case No. 1411 was appealed on time to the Court of Appeals but was dismissed for non-payment of the docket fee.[1] That dismissal became final and executory and entry of judgment was made in due course.[2] It was only after nine months that the petitioner went back to the respondent court, this time to ask for the "annulment and/or reformation or novation" of the decision of the trial court for lack of jurisdiction. This petition was obviously filed as a substitute for her lost appeal and, quite as obviously, could not be allowed.[3] The respondent court was therefore correct in rejecting it.[4]

According to *People v. Pareja*,[5] a judgment which has become final and executory may be set aside in any of the three ways allowed by the Revised Rules of Court, viz., (1) by petition for relief from judgment under Rule 38; (2) by direct action to annul and enjoin the enforcement of the judgment where the alleged defect is not apparent on its face or from the recitals contained in the judgment; and (3) by direct action, as certiorari, or by a collateral attack against the challenged judgment which is void upon its face or where the nullity of the judgment is apparent from its own recitals. This case does not come under any of these methods.

On the merits, the petition cannot fare any better.

Civil Case No. 1411 was filed by the private respondents on May 19, 1980, for quieting of title to a parcel of land denominated as Lot No. 2858, which they alleged had been illegally registered in the name of Lunesa Balangcad. After trial (following a series of legal skirmishes which need not be narrated here), judgment was rendered annulling the defendant's OCT No. P-152, Free Patent Title No. 213712 with respect to the land in suit, which the defendant was ordered to vacate.[6] This is the decision the petitioner unsuccessfully questioned in the Court of Appeals and is now being indirectly faulted in this petition.

The main thrust of the present petition is that the Court of Appeals erred in holding that the trial court had jurisdiction over Civil Case No. 1411 notwithstanding that the challenge to Balangcad's title was being made 17 years after its issuance in 1963. Invoking the in rem character of cadastral proceedings, the petitioner insists on the indefeasibility of her title to the disputed land after one year from its registration and contends it is too late now for the private respondents to contest her ownership.

The petitioner stresses that the private respondents slept on their rights, if any, by not seasonably protesting the registration of the disputed lot, considering that, as they themselves contend, they have been in possession thereof

for more than thirty years. They therefore had actual notice of her adverse claim. Moreover, they were deemed duly notified of the cadastral proceedings over the disputed land and so had only one year from the date of registration to contest her title.

The rule indeed is that title to registered property becomes indefeasible after one year from the date of registration except where there is actual fraud, in which case it may be challenged in a direct proceeding within that period. Section 38, Act 496 as amended by Sec. 3, Act 3621 and Sec. 1, Act 3630, provides:

If the court after hearing finds that the applicant or adverse claimant has title as stated in his application or adverse claim and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the Insular Government and all the branches thereof, whether mentioned by name in the application, notice, or citation, or included in the general description "To all whom it may concern." Such decree shall not be opened by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the competent Court of First Instance a petition for review within one year after entry of the decree, provided no innocent purchaser for value has acquired an interest. Upon the expiration of said term of one year, every decree or certificate of title issued in accordance with this section shall be incontrovertible. If there is any such purchaser, the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided: Provided, however, That no decree or certificate of title issued to persons not parties to the appeal shall be cancelled or annulled. But any person aggrieved by such decree in any case may pursue his remedy by action for damages against the applicant or any other person for fraud in procuring the decree. Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Act, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value. (Emphasis supplied)

As the respondent court correctly held, however, that rule does not apply to the case at bar because Lot 2858 was private land and so could not have been legally covered by the free patent issued to the petitioner. Only public lands can be the subject of grants issued by the government. Judge Leopoldo B. Gironella found, after painstakingly analyzing the evidence of the parties, that the disputed lot was private land, having been acquired by the private respondents through prescription by adverse and continuous possession thereof for more than thirty years. This finding is conclusive on this Court as there is no showing that it was arbitrarily reached and there is sufficient evidentiary basis to sustain it.

Elaborating on the nullity of the registration with regard to Lot 2858, the trial judge acutely observed:

Anent the claim of defendant Lunesa Balangcad that plaintiffs are estopped or barred by prescription, the evidence overwhelmingly negate this pretension. The land in suit is a private land and not a public land. The grant, therefore, of the government of Lot No. 2858 indicated on the cadastral survey of Manabo, Abra is null and void with respect to the land in litigation, but valid with respect to the unquestioned portion. Besides, plaintiff Perico Arcedo came to know the claim of defendant Lunesa Balangcad and issuance of a Free Patent Title in her name in 1978 because he was in Kabacan, Cotabato. Another factor which negates her claim of prescription is her bad faith. Having declared the land only in 1962 and considering her intelligence, it is hard to believe that she was already claiming and possessing the land before 1962. The case having been filed in 1978, the defense of prescription clearly does not lie. Since the land has not passed to an innocent purchaser, equity demands that plaintiff has to return the land in suit to the plaintiff Perico Arcedo and not to enrich herself at the expense of the latter.

We also note the following excerpt from *Agne v. Director of Lands*,^[7] which is squarely applicable to the case at bar:

The rule on the incontrovertibility of a certificate of title upon the expiration of one year, after the entry of the decree, pursuant to the provisions of the Land Registration Act, does not apply where an action for the cancellation of a patent and a certificate of title issued pursuant thereto is instituted on the ground that they are null and void because the Bureau of Lands had no jurisdiction to issue them at all, the land in question having been withdrawn from the public domain prior to the subsequent award of the patent and the grant of a certificate of title to another person. Such an action is different from a review of the decree of title on the ground of fraud.

Although a period of one year has already expired from the time a certificate of title was issued pursuant to a public grant, said title does not become incontrovertible but is null and void if the property covered thereby is originally of private ownership, and an action to annul the same does not prescribe. Moreover, since herein petitioners are in possession of the land in dispute, an action to quiet title is imprescriptible. Their action for reconveyance which, in effect, seeks to quiet title to property in one's possession is imprescriptible. Their undisturbed possession for a number of years gave them a continuing right to seek the aid of a court of equity to determine the nature of the adverse claims of a third party and the effect on her title. As held in *Caragay-Layno vs. Court of Appeals, et al.*, an adverse claimant of a registered land, undisturbed in his possession thereof for a period of more than fifty years and not knowing that the land he actually occupied had been registered in the name of another, is not precluded from filing an action for reconveyance which, in effect, seeks to quiet title to property as against the registered owner who was relying upon a Torrens title which could have been fraudulently acquired. To such adverse claimant, the remedy of an action to quiet title is imprescriptible. In actions for reconveyance of property predicated on the fact that the conveyance complained of was void ab initio, a claim of prescription of the action would be unavailing. (Emphasis supplied)

Considering the facts as established at the trial and affirmed by the respondent court, and in light of the above-discussed decision of this Court, we are satisfied that the private respondents are indeed entitled to the return of Lot No. 2858 as property rightfully belonging to them by acquisitive prescription.

The Torrens system is intended to guarantee the integrity and conclusiveness of the certificate of registration, but it cannot be used far the perpetration of fraud against the real owner of the registered land. The system merely confirms ownership and does not create it. Certainly, it cannot be used to divest the lawful owner of his title for the purpose of transferring it to another who has not acquired it by any of the modes allowed or recognized by law. Where such an illegal transfer is made, as in the case at bar, the law presumes that no registration has been made and so retains title in the real owner of the land.

WHEREFORE, the petition is DENIED and the questioned decision AFFIRMED, with costs against the petitioner. It is so ordered.

Narvasa, (Chairman), Griño-Aquino, and Medialdea, JJ., concur.

[1] CA G.R. No. 12691, resolution of July 30, 1987; Rollo, p. 114.

[2] Rollo, p. 115.

[3] *Manila Electric Co. v. CA*, 187 SCRA 200.

[4] Through Justice Vicente V. Mendoza, with Paras and Limcaoco, JJ., concurring.

[5] 189 SCRA 143.

[6] Decided by Judge Leopoldo B. Gironella.

[7] 181 SCRA 793.

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