

MILAGROS TUMULAK BISHOP, JUANA PANGILINAN, EMILIO MAXIMO, ANITA PANGILINAN, MAGDALENA ROSETE, MANUEL DACUT, RECTO DIESTA, VIRGINIA NOVICIO, AND LINDA BONILLA, PETITIONERS, VS. H...

G.R. No. 86787. May 08, 1992

Ponente: CRUZ, J.

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CRUZ, J.:

The question presented in this case is not novel. As in previous cases resolving the same issue, the answer will not change.

In dispute are certain portions of a parcel of land situated in Calapacuan, Subic, Zambales, with a total area of 1,652 square meters. These portions are in the possession of the petitioners. The entire parcel is registered in the name of the private respondents under Transfer Certificate of Title No. T-29018.

On January 22, 1985, the private respondents sued the petitioners for recovery of possession of the lots in question. The plaintiffs invoked their rights as registered owners of the land. In their answer, the defendants claimed that the lots were part of the public domain and could not have been registered under the Torrens system. All alleged long and continuous possession of the lots and produced tax declarations in their names. Two of them maintained that they had acquired their respective lots by virtue of valid contracts of sale. Another based her claim on inheritance.

After trial, Judge Nicias O. Mendoza of the Regional Trial Court of Olongapo City rendered judgment in favor of the plaintiffs.[1] He held in part as follows:

The plaintiffs, being the registered owners in fee simple of the land in question, necessarily have the lawful right to the physical possession of the land. The owner of a land has a right to enjoy and possess it, and he has also the right to recover and repossess the same from any person occupying it unlawfully.

Art. 428 - New Civil Code

"The owner has the right to enjoy and dispose of a thing, without other limitations than those established by law.

"The owner has also a right of action against the holder and possessor of the thing in order to recover it."

There is, therefore, no doubt in law, that the plaintiffs being the registered owners of the land in question have also the corresponding right to the recovery and possession of the same. The defendants who are in physical occupancy of the land belonging to the plaintiffs have no right whatsoever to unjustly withhold the possession of the said land from the plaintiffs. The defendants' occupancy of the land in question is unlawful and in violation of plaintiffs' right to the recovery and possession of the land they owned. The evidence presented by the defendants claiming as per certifications of the Bureau of Forestry that the land occupied by them is within the alienable and disposable public land, deserves scant consideration as the said certification are without basis in law. The moment the land in question was titled in the name of the plaintiffs, it ceased to become a part of

the public domain as the same became the private property of the registered owner, the herein plaintiffs. Tax declarations of the land made in the names of the defendants are not evidence of title, it appearing that the land is already titled to the plaintiffs. The registration of the land in the names of the defendants with the Assessor's Office for taxation purposes and the payments of real property taxes by the defendants can not and does not defeat the title of the plaintiffs to the land. The fact that the defendants have been in occupancy of the land in question for quite a period of time is of no moment as prescription will not ripen into ownership because the land is covered by a torrens title. Acquisitive prescription will not be available to land titled under Art. 496.

PREMISED THEREFORE on the foregoing consideration, the Court finds and so holds that the plaintiffs being the registered owners of the land in question are entitled to the possession of the same, and that the defendants who are occupying the land belonging to the plaintiffs in violation of the right of the latter, are duty-bound to restore possession of the same to the titled owners, the herein plaintiffs.

On appeal, this decision was affirmed by the respondent court on August 22, 1988.[2] Their motion for reconsideration having been denied, the petitioners then came to this Court, urging reversal of the courts below.

They allege that:

1. The land in question is part of the public domain and could not have been validly registered under the Torrens system.
2. The petitioners have acquired title to their respective lots by laches.
3. In the alternative, they should be considered builders in good faith entitled to the rights granted by Articles 448, 546, 547 and 548 of the Civil Code.

The petition has no merit.

On the first ground, the Court notes that the private respondents' title is traceable to an Original Certificate of Title issued way back in 1910 or eighty-two years ago. That certificate is now incontrovertible and conclusive against the whole world. The presumption of regularity applies to the issuance of that certificate. This presumption covers the finding that the land subject of the certificate was private in nature and therefore registrable under the Torrens system.

To sustain an action for annulment of a Torrens certificate for being void ab initio, it must be shown that the registration court had not acquired jurisdiction over the case and that there was actual fraud in securing the title.[3] Neither of these requirements has been established by the petitioners. All they submitted was the certification of the Bureau of Forestry that the land in question was alienable and disposable public land. The trial court was correct in ruling that this deserved scant consideration for lack of legal basis. To be sure, a certification from an administrative body cannot prevail against a court decision declaring the land to be registrable.

Significantly, it does not appear in the record that the Director of Forestry, or any other representative of the Government for that matter, entered any opposition to the land registration proceedings that led to the issuance of the Original Certificate of Title. No less importantly, an action to invalidate a certificate of title on the ground of fraud prescribes after the expiration of one (1) year from the entry of the decree of registration[4] and cannot now be resorted to by the petitioners at this late hour. And collaterally at that.

The strange theory submitted by the petitioners that the owner of registered land must also possess it does not merit serious attention. The non-presentation by the private respondents of their tax declarations on the land is no indication that they have never acquired ownership thereof or have lost it by such omission.

The second ground must also be rejected.

As registered owners of the lots in question, the private respondents have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of the petitioners' occupation of the property, and regardless of the length of that possession, the lawful owners have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches.

In urging laches against the private respondents for not protesting their long and continuous occupancy of the lots in question, the petitioners are in effect contending that they have acquired the said lots by acquisitive prescription. It is an elementary principle that the owner of a land registered under the Torrens system cannot lose it by prescription.[5]

As the Court observed in the early case *Legarda v. Saleeby*: [6]

The real purpose of the Torrens system of land registration is to quiet title to land; to put a stop forever to any question of the legality of the title, except claims which were noted at the time of registration in the certificate, or which may arise subsequent thereto. That being the purpose of the law, it would seem that once the title was registered, the owner may rest secure, without the necessity of waiting in the portals of the court, or sitting in the "mirador de su casa," to avoid the possibility of losing his land.

Applied consistently these many years, this doctrine has been burnished bright with use and has long become a settled rule of law.

In light of the observations already made, it is obvious that the petitioners cannot invoke the status of builders in good faith to preserve their claimed rights to the constructions they have made on the lots in dispute.

A builder in good faith is one who is unaware of any flaw in his title to the land at the time he builds on it.[7] This definition cannot apply to the petitioners because they knew at the very outset that they had no right at all to occupy the subject lots.

The petitioners have consistently insisted that the lots were part of the public domain and even submitted a certification to that effect from the Bureau of Forestry. The land was in fact registered under the Torrens system and such registration was constructive notice to the whole world, including the petitioners. Apparently, the petitioners did not take the trouble of checking such registration. At any rate, the point is that, whether the land be public or private, the petitioners knew they had no right to occupy it and build on it. The Court of Appeals was correct in calling them squatters for having entered, without permission or authority, land that did not belong to them.

In urging reversal of the trial court and the respondent court, the petitioners are asking us to overturn long established doctrines guaranteeing the integrity of the Torrens system and the indefeasibility of titles issued thereunder for the protection and peace of mind of the registered owner against illegal encroachments upon his property. We are not disposed to take this drastic step on the basis alone of their feeble arguments.

WHEREFORE, the petition is DENIED, with costs against the petitioners. It is so ordered.

Narvasa, C.J., Griño-Aquino, Medialdea, and Bellosillo, JJ., concur.

[1] Original Records, pp. 95-103.

[2] Rollo, pp. 11-15; Melo, J., ponente, with Herrera M. and Imperial, JJ., concurring.

[3] *J.M. Tuason & Co., Inc. v. Macalindog*, 6 SCRA 938; *Bernardo v. Siojo*, 58 Phil. 89.

[4] Section 38 of Act No. 496 (now Section 32 of PD 1529); *Hernandez v. CA*, 160 SCRA 821; *Natalia Realty Corp. v. Vallez*, 144 SCRA 292; *Municipality of Hagonoy v. Sec. Of Agriculture and Natural Resources*, 73 SCRA 507.

[5] Section 47 of PD 1529; *Natalia Realty Corp. v. Vallez*, *supra*; *Umbay v. Alecha*, 135 SCRA 427; *Barcelona, et al. v. Barcelona, et al.*, 100 Phil. 251.

[6] 31 Phil. 590.

[7] *Mercado v. Court of Appeals*, 162 SCRA 75; *Granados v. Monton*, 86 Phil. 42; *Caram v. Laureta*, 103 SCRA 7; *Arriola v. Gomez de la Serna*, 14 Phil. 627.

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