

EVANGELINE C. BUCAD, PETITIONER, VS. COURT OF APPEALS, ASILDA GUANZON, WILLIAM GUANZON, AND EMILIA GUANZON, RESPONDENTS.

G.R. No. 93783, December 11, 1992

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-93783/>

NOCON, J.:

This is a petition for review on certiorari by Evangeline C. Bucad from the decision[1] dated April 24, 1990 of the Court of Appeals in CA-G.R. CV No. 19321, affirming the dismissal of petitioner's complaint against respondents Asilda Guanzon, William Guanzon and Emilia Guanzon for annulment of sale and cancellation of certificate of title by the Regional Trial Court of Cebu, Branch XXIII.

There is no dispute as to the findings of fact made by the Court of Appeals, which We quote, as follows:

Plaintiff-appellant Evangeline C. Bucad is the granddaughter of Conrado Bucad. On March 16, 1982, a residential land, with an area of 409 square meters, in Fuente Osmeña, Cebu was sold to her by her grandfather. It appears that although the land is covered by the Property Registration Decree (PD No. 1529), the sale was not registered because the owner's duplicate copy of TCT No. 9192 was in possession of Felipe Valencia to whom the land had earlier been mortgaged.

On December 22, 1982, Conrado Bucad again sold the land to the defendant-appellees, Asilda Guanzon, married to William Guanzon, and to Emilia Guanzon, who registered their sale on January 4, 1983, after paying off the mortgage lien of Felipe Valencia. Although plaintiff-appellant made an affidavit of adverse claim, which was annotated on the certificate of title of Conrado Bucad on December 27, 1982, this fact did not prevent the defendant-appellees from registering the sale in their favor and from securing a new title (TCT No. 85965) in their names.

It appears that a subsequent suit brought by defendant-appellees against plaintiff-appellant for ejectment was dismissed on the ground that the defendant-appellees did not have prior possession of the land. Although in its decision the Regional Trial Court stated that defendant-appellees could not claim ownership of the land because at the time they registered their sale they had notice of the adverse claim of the plaintiff-appellant (Civil Case No. R-26062), the decision of this Court, affirming the lower court's judgment, was based solely on the consideration that since defendant-appellees did not have prior possession of the land, an action for ejectment was not the appropriate remedy. (Guanzon vs. Dizon, CA-G.R. SP No. 09914, Sept 30, 1987).

On May 8, 1985 plaintiff-appellant brought this suit for annulment of the sale to the defendant-appellees and for the cancellation of their certificate of title. After the filing of defendant-appellees' answer and trial, the lower court rendered a decision, holding that the plaintiff-appellant did not have a perfected sale because of plaintiff-appellant's failure to pay Conrado Bucad's indebtedness to Felipe Valencia. Consequently art. 1544 of the Civil Code, which provides that if the same thing is sold to different persons ownership shall be transferred to the person who in good faith is first in recording his sale, does not apply. The lower court ordered:

Wherefore, premises all considered, this Court hereby orders the dismissal of the instant complaint, and for

plaintiff to pay defendants:

1. P5,000.00 as litigation expenses;
2. P2,000.00 representing attorney's fees; plus costs.

IT IS SO ORDERED.[2]

In dismissing the petitioner's appeal, the appellate court found that the appeal did not comply with Section 16, Rule 46 of the Rules of Court with regard to the contents of an appellant's brief, particularly paragraphs (b) and (d), and thus dismissible under Section 1 (g), Rule 50. Furthermore, the Court of Appeals belied petitioner's contention that the affirmance of the decision in the ejectment case clearly established that the first vendee (petitioner) is the real owner of the lot in question, since the appellate court had upheld the decision on another ground, namely, that respondents did not have prior possession of the land.

After her motion for reconsideration was denied, petitioner instituted the instant petition, arguing that the Court of Appeals erred (1) in not appreciating that respondents are not registrants in good faith within the contemplation of Article 1544 of the Civil Code; (2) in ignoring the deed of absolute sale executed by Conrado Bucad in her favor; and (3) in dismissing her appeal on a procedural technicality.

We find the petition unmeritorious.

I

First, on the matter of whether the Court of Appeals was correct for dismissing petitioner's appeal for her failure to include a statement of facts with page references to the record and assignment of errors in her appellant's brief

Section 16, Rule 46 of the Rules of Court lists down the items which should be included in the appellant's brief:

Sec. 16. Contents of appellant's brief. -- The appellants brief shall contain in the order herein indicated the following:

- (a) A subject index of the matter in the brief with a digest of the argument and page references and a table of cases alphabetically arranged, textbooks and statutes cited with reference to the pages where they are cited;
- (b) An assignment of the errors intended to be urged. Such errors shall be separately, distinctly and concisely stated without repetition, and shall be numbered consecutively;
- (c) Under the heading "Statement of the Case," a clear and concise statement of the nature of the action, a summary of the proceedings, the appealed rulings and orders of the court, the nature of the judgment and any other matters necessary to an understanding of the nature of the controversy, with page references to the record;
- (d) Under the heading "Statement of Facts," a clear and concise statement in narrative form of the facts admitted by both parties and of those in controversy, together with the substance of the proof relating thereto in sufficient detail to make it clearly intelligible, with page references to the record,
- (e) A clear and concise statement of the issues of fact and law to be submitted to the court for its judgment,
- (f) Under the heading "Argument," the appellant's arguments on each assignment of error with page references to the record. The authorities relied upon shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found,
- (g) Under the heading "Relief," a specification of the order or judgment which the appellant seeks,

(h) In cases not brought up by record on appeal, the appellant's brief shall contain as an appendix, a copy of the judgment or order appealed from

Non-compliance with paragraphs (b) and (d) of the aforementioned provision subjects the appeal to dismissal under section 1 (g), Rule 50, which provides:

Section 1. Grounds for dismissal -- An appeal may be dismissed by the Court of Appeals on its own motion or on that of the appellee, on the following grounds.

x x x

(g) Want of specific assignment of errors in the appellant's brief, or of page references to the record as required in section 16 (d) of Rule 46,

x x x

An examination of the appellant's brief with the Court of Appeals reveals that the same does not comply with paragraphs (a), (b), (c), (e), (f), (g) and (h) of Section 16, Rule 46. In fact, the pleading only mentions at the end that the appeal is from the decision of the trial court in an action for annulment of sale and cancellation of the certificate of title filed by petitioner. Dismissal of the appeal was therefore warranted.

While admitting that she failed to observe some of the requirements of the Rules of Court, petitioner asks that the Rules be liberally construed in her favor.

We are unmoved by petitioner's plea.

The purpose of an assignment of errors is to point out to the appellate court the specific portions of the decision appealed from which the appellant seeks to controvert.[3] This requirement is deemed complied with where the assignment of errors are embodied in the arguments, and the clear discussion of the points in issue have accomplished the task of informing the Court which part of the appealed decision is sought to be reviewed.[4]

Petitioner's brief in the Court of Appeals is severely wanting on this matter. It does not appraise the appellate court of the portions of the trial court's decision which she contests, but rather, it quoted at length the decision of the Regional Trial Court in the ejectment case.[5] Consequently, We see no reason for a liberal interpretation of the Rules of Court in petitioner's case.

II

Now to the heart of the petition. The case at bar is an instance of double sale of real property in which case, Article 1544 of the Civil Code provides:

ART 1544. x x x.

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 possession; and in the absence thereof, to the person who presents the oldest title, provided there is good faith.

Petitioner argues that the Court of Appeals erred in not considering respondents as registrants in bad faith since at the time they registered their deed of sale, petitioner had already caused the annotation of an adverse claim on the title of the vendee, Conrado Bucad.

We do not agree.

Well-settled is the rule that the registration of a deed of sale by either the first or second buyer must be made in good faith.[6] We see no objection in applying said rule to the annotation of an adverse claim in double sales.

In the case at bar, the annotation of petitioner's adverse claim was attended by bad faith since at that time it was made on December 27, 1982, petitioner had known of the previous sale to the respondents. This was established by the testimony of Francisca Bucad, mother of petitioner, who stated that petitioner had learned of the second sale on December 24, 1982.[7] (Francisca Bucad is petitioner's duly constituted attorney-in-fact inasmuch as the latter is residing in the United States.) Consequently, the annotation is of no force and effect as against respondents.

Moreover, petitioner's actual knowledge of the subsequent sale is equivalent to registration of the sale.[8]

Since petitioner failed to prove that respondents knew of the prior sale of the property to her, respondents are considered to have registered their deed in good faith and thus ownership of the disputed property should belong to them.

Petitioner cannot rely on the decision of the Court of Appeals in CA-G.R. SP No. 09914 dated September 30, 1987[9] in support for her position. In said case, the Court of Appeals affirmed the dismissal of the complaint for ejectment filed by respondents against petitioner on the ground that the former did not have prior possession of the subject property, and not on the basis of Article 1544.[10] In fact, the appellate court stated:

The Court sees no further need to discuss the petitioners' assignments of error. Their cause is not founded upon deprivation of prior possession but one that involves mainly the question of ownership, the parties appearing to be vendees of the same property from the same vendor. Clearly, it is a cause beyond the Metropolitan Trial Court's competence.[11]

Besides, the inferior court in the ejectment case erred in applying Article 1544 and in declaring respondents as in bad faith since petitioner's knowledge of the sale of the subject property to the respondents had caused the automatic registration of the same ahead of the annotation of petitioner's adverse claim, as earlier discussed.

WHEREFORE, the instant petition for review on certiorari is hereby DISMISSED. The decision appealed from is hereby AFFIRMED in toto. Costs against petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

[1] Justice Vicente V. Mendoza, ponente, Justices Segundino G. Chua and Cezar D. Francisco, concurring.

[2] Decision of the Court of Appeals, pp. 1-2.

[3] Luzon Stevedoring Corp. vs Court of Industrial Relations, 15 SCRA 660, 670 (1965).

[4] Id.

[5] Ceb-4927, June 28, 1986. Penned by Judge Mario M. Dizon. A copy of this decision is attached to petitioner's appeal brief. See the Court of Appeals, rollo.

[6] Bergado vs. Court of Appeals, et al., G.R No. 84051, 173 SCRA 497 (1989).

[7] TSN, June 24, 1986, p. 17.

[8] Antonio vs. Estrella, L-73319, 156 SCRA 68 (1987), Southwestern University vs. Laurente, 26 SCRA 52

(1968); Ramos & Ayco vs. Dueno & Otcada, 50 Phil 786 (1927), Gustillo vs. Maravilla, 48 Phil. 422, 446 (1925).

[9] Annex "F", rollo pp. 37-51

[10] See Decision dated September 30, 1987 of the Court of Appeals in CA-G.R. SP No. 09914, p. 11, rollo, p. 47

[11] Id, p. 14, rollo, p. 50.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.