

**FELICIANO RAMOS, SUBSTITUTED BY HIS HEIRS THROUGH
VALERIANA VDA. DE RAMOS, PETITIONERS, VS. HONORABLE
FRANCISCO C. RODRIGUEZ, PRESIDING JUDGE, RTC, BRANCH 77,
SAN MATEO, RIZAL A...**

G.R. No. 94033. May 29, 1995

Ponente: ROMERO, J.

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ROMERO, J.:

Feliciano Ramos applied for the registration of a parcel of land in San Jose, Rodriguez, Montalban, Rizal, identified as Lot 125-B of subdivision plan Psd-760 with a total area of 156,485 square meters. Upon his death on April 6, 1982 and during the pendency of said application, Feliciano was substituted by his heirs, petitioners herein.

After issuing an order of general default, respondent judge rendered a decision on July 28, 1988, adjudicating the said lot to the petitioners.

On September 12, 1988, the court a quo issued an Order for Issuance of Decree stating that the July 28, 1988 decision had become final and directing the Administrator of National Land Titles and Deeds Registration Administration (NLTDRA)[1] to comply with Section 39 of Presidential Decree No. 1529, that is, to prepare the decree and certificate of registration.

Instead of issuing the said decree, NLTDRA Administrator Teodoro G. Bonifacio submitted a report dated September 26, 1988, which was earlier required by the court, recommending that the July 28, 1988 decision be set aside after due hearing because the subject lot was part of Lot 125, Psu-32606 which is already covered by Transfer Certificate of Title (TCT) No. 8816 issued on October 29, 1924, in Case No. 1037 in the name of the Payatas Estate Improvement Company, and which was assigned Decree No. 1131 on January 31, 1905. Petitioners later claimed that TCT No. 8816 was fraudulent but they failed to present any evidence in support of such allegation.

Several settings for the hearing were made before the court in an order dated February 2, 1990, merely noted the said report. The court opined "that it cannot set aside its (July 28, 1988) decision on the basis of the report dated September 26, 1988, which was received by this Court on October 10, 1988, after the finality of its decision." It added that the proper remedy of the government was an action for annulment of judgment.

Bonifacio filed on March 9, 1990, through the Chief Legal Officer of the Land Registration Authority (LRA), a motion for reconsideration of the February 2, 1990, order.

On May 29, 1990, the court a quo issued an order granting the motion for reconsideration, denying petitioner's application for registration, setting aside its decision dated July 28, 1988, as well as its order for the issuance of decree dated September 12, 1988 and denying the petition to re-direct the LRA to issue the decree of registration. The court noted that the subject lot was already covered by an existing certificate of title and that no final decree

has yet been issued by the LRA.

Petitioners are now asking the Court to set aside the trial court's May 29, 1990, order on the strength of the principle of finality of judgments.

This issue has already been settled in a similar case,[2] where the Court declared that:

"x x x Unlike ordinary civil actions, the adjudication of land in a cadastral or land registration proceeding does not become final, in the sense of incontrovertibility(,) until after the expiration of one (1) year after (sic) the entry of the final decree of registration. This Court, in several decisions, has held that as long as a final decree has not been entered by the Land Registration Commission (now NLTDRA) and the period of one (1) year has not elapsed from the date of entry of such decree, the title is not finally adjudicated and the decision in the registration proceeding continues to be under the control and sound discretion of the court rendering it."

It is also argued by petitioners that the issuance of the decree of registration and the certificate of title by the LRA is a ministerial duty which follows as a matter of course the order of the court directing it to issue said decree. This, too, has been squarely met in Gomez, thus:

"Petitioners insist that the duty of the respondent land registration officials to issue the decree is purely ministerial. It is ministerial in the sense that they act under the orders of the court and the decree must be in conformity with the decision of the court and with the data found in the record, and they have no discretion in the matter. However, if they are in doubt upon any point in relation to the preparation and issuance of the decree, it is their duty to refer the matter to the court. They act, in this respect, as officials of the court and not as administrative officials, and their act is the act of the court. They are specifically called upon to `extend assistance to courts in ordinary and cadastral land registration proceedings.'"

In the case at bench, Administrator Bonifacio filed his report as an officer of the court precisely to inform the latter that the NLTDRA cannot comply with the order to issue a decree because the subject lot sought to be registered was discovered to have been already decreed and titled in the name of the Payatas Estate. Under these circumstances, the LRA is not legally obligated to follow the court's order.

This is also one of the reasons why we have to reject the claim of petitioners that the court's Order for Issuance of Decree is the reckoning point in determining the timeliness of a petition to re-open or review the decree of registration in view of the ministerial nature of the LRA's duty. The other reason is that the one-year period stated in Section 32 of P.D. 1529 within which a petition to re-open and review the decree of registration clearly refers to the decree of registration described in Section 31 of the said P.D., which decree is prepared and issued by the Commissioner of Land Registration.

Finally, petitioners aver that respondent judge committed grave abuse of discretion in setting aside the July 28, 1988, decision and the order for issuance of decree dated September 12, 1988, upon the mere motion for reconsideration filed by the LRA, not by the Solicitor General, of the February 2, 1990 order.

Under the Administrative Code of 1987, the Solicitor General is bound to "[r]epresent the Government in all land registration and related proceedings." [3] Add to this the fact that P.D. 1529 itself, specifically Section 6 thereof which enumerates the functions of the Commissioner of Land Registration, is bereft of any grant of power to the LRA or to the Commissioner to make the same representation as the Office of the Solicitor General in behalf of the government in land registration proceedings.

The court a quo could not have committed grave abuse of discretion because it was merely following the earlier recommendation of the LRA which was then acting as an agent of the court.

Nevertheless, even granting that procedural lapses have been committed in the proceedings below, these may be

ignored by the Court in the interest of substantive justice.[4] This is especially true when, as in this case, a strict adherence to the rules would result in a situation where the LRA would be compelled to issue a decree of registration over land which has already been decreed to and titled in the name of another.

It must be noted that petitioners failed to rebut the LRA report and only alleged that the title of the Payatas Estate was spurious, without offering any proof to substantiate this claim. TCT No. 8816, however, having been issued under the Torrens system, enjoys the conclusive presumption of validity. As we declared in an early case,[5] "[t]he very purpose of the Torrens system would be destroyed if the same land may be subsequently brought under a second action for registration." The application for registration of the petitioners in this case would, under the circumstances, appear to be a collateral attack of TCT No. 8816 which is not allowed under Section 48 of P.D. 1529.

At this point, it may be stated that this controversy could have been avoided had the proper procedure in land registration cases been observed by both the trial court, acting as a land registration court and by the LRA, acting as an agent of the court. The court should have rendered its decision only "after considering the evidence and the reports of the Commissioner of Land Registration and the Director of Lands," as mandated by Section 29 of P.D. 1529, instead of precipitately adjudicating the land in question to the applicant and directing the Commissioner to issue a decree of registration and certificate of title when the report of the LRA was still forthcoming. On the other hand, if a faster disposition of the proceedings were really desired, the court could facilely wield the powers of its office in order to compel the LRA to speed up its investigation, report, and recommendation.

Finally, the Solicitor General is reminded to be more vigilant in handling cases which his office should, under the law, properly represent.

ACCORDINGLY, the instant petition for review is hereby DENIED, and the order of respondent court dated May 29, 1990, is AFFIRMED.

SO ORDERED.

Feliciano, (Chairman), Melo, Vitug, and Francisco, JJ., concur.

[1] Formerly Land Registration Commission (LRC), and now called the Land Registration Authority (LRA) by virtue of Executive order No. 292 (otherwise known as the Revised Administrative Code of 1987), which took effect on November 24, 1989.

[2] Gomez v. Court of Appeals, No. L-77770, December 15, 1988, 168 SCRA 503.

[3] Section 35(5), Chapter 12, Title III, Book IV.

[4] B.E. San Diego, Inc. v. Court of Appeals, G.R. No. 80223, February 5, 1993, 218 SCRA 446.

[5] Reyes and Nadres v. Borbon and Director of Lands, 50 Phil. 791.

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