

JUAN ESTELLA, FELICISIMO VARGAS, MAXIMO DE LARA, DOMINGO DE LARA, DOMINGO SAMSON AND FLORENTINA TABOCBOC, PETITIONERS AND APPELLANTS, VS. REGISTER OF DEEDS OF RIZAL, RESPONDENT ...

G.R. Nos. 12614-15. January 29, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

These are appeals from two decisions of the Land Registration Commission dated 7 February and 30 April 1957, upholding the refusal of the Registrar of Deeds in and for the province of Rizal to record the claimants' adverse claims under the provisions of section 110, Act No. 496 (LRC Consultas Nos. 137 & 149).

On 24 December 1956 Pedro Moraga filed in the Office of the Registrar of Deeds in and for the province of Rizal an affidavit of adverse claim subscribed and sworn to by him, claiming ownership of a parcel of land known as Lot No. 14, Block No. 51-C of the subdivision plan Psd-15136, situate in barrio Calaanan, municipality of Caloocan, province of Rizal, containing an area of 682.5 sq. m. more or less, described in transfer certificate of title No. 47961 issued in the name of John O. Yu, married to Aniceta T. Yu, registered on page 161, volume 516 of the registration book in the registry of deeds of Rizal, on the ground that in or about the year 1945 the Philippine Realty Corporation sold the said parcel of land to a Chinese citizen disqualified to acquire public agricultural lands or to hold lands of the public domain in the Philippines; that the contract of sale of the parcel of land in question to the disqualified alien is null and void and neither the vendor nor the vendee retained or acquired ownership thereof; that he and his predecessors-in-interest have been in actual continuous, public, exclusive and uninterrupted possession of the parcel of land in question for more than ten years and built two houses thereon; that no one has claimed from them ownership or possession of the parcel of land in question or demanded from them payment of rentals for its use and occupation and whatever right the alien vendee had in it already has prescribed; and that the registered owner was aware that the appellant had been in possession of the parcel of land in question when he bought it from the Philippine Realty Corporation and that the transaction between the Philippine Realty Corporation and the disqualified alien was illegal. The appellant requested the Registrar of Deeds to record his adverse claim pursuant to section 110, Act No. 496.

On 29 December 1956 the Registrar of Deeds referred the request and submitted the following questions to the Land Registration Commission for resolution pursuant to section 4, Republic Act No. 1151:

- Is not Pedro Moraga a mere squatter on registered private land?
- If Pedro Moraga is a mere squatter on registered private land, has he the right to encumber the title to that land with an annotation of adverse claim?
- Is the adverse claim of Pedro Moraga registerable? (LRC Consulta No. 137.)

On 7 February 1957 the Land Registration Commission rendered a decision declining to answer the first and

second queries on the ground that it has no jurisdiction to pass upon and determine the first question and the second question is hypothetical, but answering the third question in the negative because the parcel of land in question being registered under Act No. 496, the appellant's claim of prescription and/or adverse possession is untenable for "No title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession."

On 26 February 1957 the appellant filed a motion for reconsideration. On 12 March 1957 John O. Yu, the registered owner who had intervened, filed an opposition to the motion for reconsideration.

On 28 February 1957 Juan Estella, Felicisimo Vargas, Maximo de Lara, Domingo Samson and Florentina Tabocboc by counsel filed in the Land Registration Commission a written consulta based upon an affidavit of adverse claim subscribed and sworn to by them, the first two claiming ownership to one-third; the rest, to one-third; and Pedro Moraga to one-third of the parcel of land in question, on the same grounds invoked by the latter in his affidavit of adverse claim filed in the first case. They prayed that the Registrar of Deeds be ordered to register their respective adverse claims under the provisions of section 110, Act No. 496 (LRC Consulta No. 149).

On 30 April 1957 the Land Registration Commission denied the motion for reconsideration of Pedro Moraga in LRC Consulta No. 137 and the petition of the other appellants in LRC Consulta No. 149, reiterating its decision dated 7 February 1957 in the first case.

The Land Registration Commission properly declined to answer the first and second questions submitted to it for the reasons given and correctly answered the third question in the first case, because the parcel of land in question having been registered under the provisions of Act No. 496, no title in derogation to that of the registered owner may be acquired by prescription or adverse possession.[1] The registration of the appellants' adverse claim would, serve no useful purpose because it could not validly and legally affect the parcel of land in question. The cases of *Gurbax Singh Pabla and Co. vs. Reyes*, 92 Phil., 177; 48 Off. Gaz., 4365 and *Register of Deeds of Manila vs. Tinoco*, 53 Off. Gaz., 2804, cited by the appellants in support of their contention that it is the ministerial duty of the Registrar of Deeds to register their respective adverse claims, do not apply to the cases at bar. There this Court upheld the registration of contracts of lease affecting the real property as an adverse claim notwithstanding the assertion of invalidity and nullity of the contracts of lease because that question should be determined and passed upon in the proper proceedings after registration. Here the appellant's adverse claim of ownership is based upon prescription and adverse possession, the registration of which, as already stated, would serve no useful purpose and could not validly and legally affect the parcel of land.

The appellants claim that as neither the vendor nor the vendee could claim ownership of it, it reverted to the State as patrimonial property, which they may acquire by prescription or under the free patent law. Even if their claim of reversion to the State be sustained, still their respective adverse claims cannot be registered. Prescription does not run against the State.[2] Besides, the reversion to the State of the parcel of land in question did not withdraw it from the operation of the provisions of Act No. 496. Neither could the fact that their adverse possession which might entitle them to acquire it under the free patent law constitute a registerable adverse claim.

The decisions appealed from are affirmed, with costs against the appellants.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

[1] Section 46, Act No. 496.

[2] Article 1108, new Civil Code.

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