

FIRST DIVISION

[G.R. No. 158916, March 19, 2014]

HEIRS OF CORNELIO MIGUEL, PETITIONERS, VS. HEIRS OF ANGEL MIGUEL, RESPONDENTS.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

This an appeal from the Decision^[1] dated January 31, 2003 of the Court of Appeals in CA-G.R. CV No. 50122 dismissing the appeal of the petitioners, the heirs of Cornelio Miguel, and affirming the Order^[2] dated March 21, 1995 of the Regional Trial Court (RTC) of Puerto Princesa City, Palawan, Branch 51 in Civil Case No. 2735 which dismissed the petitioners' complaint for the nullification of deeds of donation and reconveyance of property.

While blood may be thicker than water, land has caused numerous family disputes which are oftentimes bitter and protracted. This case is another example.

The petitioners are the surviving children of the deceased Cornelio Miguel, while the respondents are the widow and the children of the petitioners' own brother, Angel Miguel.^[3]

Cornelio Miguel was the registered owner under Original Certificate of Title (OCT) No. S-14 of a 93,844 sq.m. parcel of land situated at Barrio Calero, Puerto Princesa City in Palawan. He had the property subdivided into ten smaller lots which were designated as Lots A to J of Psd-146880. Cornelio sold nine of the lots to his children, with Lot G going to his son Angel, predecessor-in-interest of the respondents in this case. The remaining lot, Lot J, Cornelio kept for himself and his wife, Nieves.^[4]

The spouses Cornelio and Nieves were the registered owners of another property in Calero, Puerto Princesa City with an area of 172,485 sq.m. It was designated as Lot 2 of Psd-146879 and covered by OCT No. G-211. The land was subsequently subdivided into nineteen smaller lots.^[5]

In a deed of donation^[6] *inter vivos* dated December 28, 1973, the spouses Cornelio and Nieves donated two lots to Angel. One of the lots was described in the deed of donation as follows:

LOT 2-J, (LRC) 146880

A parcel of land (Lot 2-J of the subdivision plan (LRC) Psd-146880, being a portion of a parcel of land described on plan S1-13184, LRC Rec. No. 5, Pat. No. V-3), situated in the Barrio of Calero, Municipality of Puerto

Princesa, Province of Palawan, Island of Palawan. Bounded on the NE., points 4 to 5 by Lot I; on the E., SE., and SW., point[s] 5 to 7, 7 to 1 and 1 to 3 by Lot K (proposed road widening); and on the W., points 3 to 4 by Lot F, all of the subdivision plan. Beginning at a point marked "1" on plan being S., 65 deg. 37°E., 285.42 m. from BLBM 1, Bo. of Tiniguiban, Puerto Princesa.

thence N. 60 deg. 49°W., 91.32 m. to point 2;
thence N. 64 deg. 18°W., 37.61 m. to point 3;
thence N. 7 deg. 17°E., 33.74 m. to point 4;
thence S. 81 deg. 20°E., 146.06 m to point 5;
thence S. 2 deg. 24°W., 94.80 m. to point 6;
thence S. 79 deg. 55°W., 11.12 m. to point 7;
thence N. 39 deg. 34°W., 31.64 m. to point of beginning;

containing an area of NINE THOUSAND ONE HUNDRED NINETY[-] SEVEN (9,197) SQUARE METERS, more or less. Assessed P1,843.06 under Tax Declaration No. 4-3-1922-O of the Office of the City Assessor of Puerto Princesa City, Philippines.^[7]

Angel accepted the donation in the same instrument.^[8]

The donation of the property described above became the subject of various suits between Cornelio, Angel, and Angel's siblings, and also between Angel's siblings and Angel's children.

I. Spl. Proc. No. 444

On March 25, 1977, Angel filed a petition for the issuance of a new owner's duplicate of OCT No. S-14 to replace his father Cornelio's copy which was allegedly eaten and destroyed by white ants. The petition was docketed as Spl. Proc. No. 444 and assigned to the Court of First Instance of Palawan, Branch II.^[9]

After hearing, the trial court granted Angel's petition. The relevant portions of the Decision dated June 27, 1977 read as follows:

From the evidence adduced, it appears that the Owner's Original Certificate of Title exists in the archives of the Registry of Deeds of Puerto Princesa City. The notice of hearing together with the petition was posted on the bulletin boards of the Capitol Building of this province at Puerto Princesa, at the City Hall and on the premises of the property in Barrio San Pedro, where the land is located.

Petitioner Angel M. Miguel testifying for and in his behalf alleged that a parcel of land covered by Original Certificate of Title No. S-14 is in the name of his parents Cornelio Miguel and Nieves Malabad; that this land has been subdivided and that Petitioner has acquired two (2) lots, [letters] "G" and "J" from his parents; that he could not secure the title to these lots from the City Register of Deeds of Puerto Princesa because the latter required him to produce the owner's duplicate certificate of title of the mother land; that petitioner then went to his father to borrow the said owner's certificate of title as required by the City Register of Deeds

of Puerto Princesa City; that forthwith, Mr. Cornelio Miguel went to get the title from a certain [carton] where he had his other important papers secured in a room in his house; that to his amazement, he found only bits of [paper], once constituting a solid piece which was his duplicate of his original certificate of title; that the same is now completely beyond recognition and, for all purpose, a complete destruction. Petitioner further [alleged] that the two (2) lots involved have not been delivered to anybody, neither have they been encumbered to secure the performance of any obligation whatsoever. Petitioner has declared the property for tax purposes and is up-to-date in payment of taxes to the government.

The court is convinced that petitioner is a person in interest within the [contemplation] of law.

The requisites of law having been complied with and the evidence adduced satisfactory, the Court believes that for reasons of public interest and in fairness to the petitioner, the relief sought for should be granted.

WHEREFORE, in view of the foregoing, the Register of Deeds of Puerto Princesa City, is hereby directed to issue a New Owner's Duplicate Certificate of Title No. S-14, in lieu of the one destroyed, which is the subject of this proceeding. Such title shall contain a memorandum stating that it is issued in lieu of the destroyed one but shall, in all respects, be deemed to be of the same effect as the destroyed owner's duplicate certificate of title for all intents and purposes under the Land Registration Act.

A copy of this order shall be furnished the Register of Deeds of Puerto Princesa City.^[10]

The Decision was not contested or appealed and became final and executory.^[11]

II. Civil Case No. 1185

Subsequently, however, on December 12, 1977, Cornelio filed a complaint for the annulment of the deed of donation on the alleged ground that one of the properties subject of the donation, Lot 2-J of Psd-146879, was given the technical description of Lot J of Psd-146880. This was attributed either to the notary public who prepared the deed of donation or to his secretary who typed it.^[12]

The case, docketed as Civil Case No. 1185, was assigned to the then Court of First Instance of Palawan, Branch I. On Angel's motion, it was dismissed in an Order dated January 31, 1986 for lack of cause of action. In particular, the trial court found that, while the complaint was supposedly denominated as for the annulment of the donation, the allegations of the complaint were really for reformation of instrument because it essentially sought the correction or amendment of the deed of donation to conform to the alleged true intention of the donors to donate Lot 2-J of Psd-146879 and not Lot J of Psd-146880. However, the complaint failed to allege that the donation was conditional and the deed of donation attached as an annex of the complaint showed that no condition was imposed for the donation.^[13] As such,

it was a simple donation that is not subject of reformation under Article 1366 of the Civil Code which provides:

Art. 1366. **There shall be no reformation in the following cases:**

(1) **Simple donations *inter vivos* wherein no condition is imposed;**

(2) Wills;

(3) When the real agreement is void. (Emphasis supplied.)

According to the trial court, even if the action were to be considered as for annulment of the deed of donation, it would still be dismissed for lack of cause of action. There was no allegation that the consent of the donors was vitiated when they made the donation, nor was there an allegation of any ground that could have vitiated the donors' consent, such as mistake, violence, intimidation, undue influence, or fraud.^[14]

Finally, the trial court found that Cornelio alleged in the complaint that his wife, Nieves, died prior to the filing of the complaint. The trial court ruled that Cornelio lacked personality to sue in behalf of Nieves because her right as a co-donor is purely personal to her and her right to reform or revoke the donation is exclusively reserved for her such that no other person can exercise such right for her. Also, the subsequent death of Cornelio during the pendency of the case extinguished his personal right to pursue the case, an intransmissible right, and the petitioners herein as his heirs could not have validly substituted him. The trial court concluded that the lack of personality on the part of the heirs of Cornelio constituted lack of cause of action.^[15] Thus, the trial court ordered:

ACCORDINGLY, in view of the foregoing findings, the amended complaint is hereby ordered dismissed for lack of cause of action. No costs. Motion to Dismiss is hereby GRANTED.^[16]

The motion for reconsideration of Cornelio's heirs was denied in an Order dated March 19, 1986. As no appeal was made, the dismissal of the case attained finality.^[17]

III. Spl. Civil Action No. 1950

Angel subsequently applied for the issuance of a certificate of title in his name over Lot J of Psd-146880 but the Registrar of Deeds of Puerto Princesa City denied it. Thus, Angel filed a petition for *mandamus* to compel the Registrar of Deeds to issue a certificate of title in his favor. The case was docketed as Spl. Civil Action No. 1950 and assigned to the Regional Trial Court of Palawan, Branch 48.^[18]

After hearing the parties, the trial court issued an Order^[19] dated February 27, 1987 directing the Registrar of Deeds of Puerto Princesa City to issue a certificate of title in Angel's name over Lot J of Psd-146880. In arriving at its Order, the trial court took note of the finality of the Order dated January 31, 1986 in Civil Case No. 1185. The trial court also ruled that as the technical description of one of the parcels of land subject of the donation corresponded to Lot J of Psd-146880, what was

donated was Lot J of Psd-146880 and the mention of "Lot 2-J of Psd-146880" was merely a typographical error.^[20] The trial court explained:

Considering that the determinative technical description, describing and denoting the boundaries thereof, are the same [as] in the Deed of Donation Inter-vivos and in Civil Case No. 1185 for annulment are the same in every aspect and detail, it is crystal clear that one of the subject[s] of donation is Lot No. "J" (LRC) PSD-146880 and not Lot "2-J" (LRC) PSD-146880. It is clear beyond doubt and cavil that a clerical error has been inadvertently committed as to the Lot Number concerned although there was already a meeting of minds o[n] the two (2) lots donated. x x x.

x x x x

For brevity[’s] sake, the technical description of the land donated (2nd lot) erroneously identified as Lot 2-J (LRC) PSD-146880 doesn’t exist, a mere clerical error but what exist[s] is Lot No. J (LRC) PSD-146880, the technical description of which are the same which leaves no shadow of doubt that what is donated is Lot No. J (LRC) PSD-146880. What is controlling is the technical description x x x.^[21]

As the deed of donation in favor of Angel clearly refers to Lot J of Psd-146880 in view of the technical description of the land and considering further that a certificate of title in the name of Angel over the other parcel of land subject of the deed of donation was already issued, the Registrar of Deeds should have performed its ministerial duty under the law to issue a certificate of title in the name of Angel over Lot J of Psd-146880. In particular, the trial court ordered:

WHEREFORE, illuminated by the light of all the foregoing facts, laws and arguments, x x x, and since the other and/or 1st mentioned lot donated, Lot No. 1-J (LRC) PSD-146879, has long already been titled in the name of herein petitioner as TCT No. 4213, issued on June 18, 1976, there is no need of consolidation. Instead the Register of Deeds of the City of Puerto Princesa is hereby ["]mandamused["], commanded and/or ordered to register and issue the title to now corrected, denominated and identified as Lot No. "J" (LRC) PSD-146880 in the name of herein petitioner, Angel Miguel, married to Ofelia Palanca, both residents of the City of Puerto Princesa, Philippines.^[22]

The Registrar of Deeds of Puerto Princesa City appealed the Order dated February 27, 1987 but subsequently withdrew the appeal upon receipt of the resolution of the Land Registration Authority (LRA) on the *Consulta* of the said Registrar of Deeds in which the LRA allowed the registration of the disputed property in the name of Angel provided that the Order dated February 27, 1987 is already final and executory. With the withdrawal of the appeal, the Order dated February 27, 1987 became final and executory. Subsequently, on December 29, 1987, Transfer Certificate of Title (TCT) No. 11349 was issued in the name of Angel over Lot J of Psd-146880.^[23]

Angel later on caused the subdivision of Lot J of Psd-146880 into four smaller lots which he correspondingly donated to each of his four sons, Peter Albert, Omar Angelo, Leo Antonio, and Oscar Joseph. Following the donation, TCT Nos. 20094 in