

## THIRD DIVISION

[ G.R. No. 187288, August 09, 2010 ]

**SPOUSES BRAULIO NAVARRO AND CESARIA SINDAO,  
PETITIONERS, VS. PERLA RICO GO, RESPONDENT.**

### D E C I S I O N

**CARPIO MORALES, J.:**

Challenged *via* petition for review on certiorari is the Court of Appeals Decision of December 12, 2008<sup>[1]</sup> which disposed as follows:

. . . [T]he decision appealed from is MODIFIED, in that in lieu of decreeing the nullity of the patent and titles, the defendants Navarro are ordered to **reconvey the title to the plaintiff**. The case against Aurelia Caballero is dismissed. All other aspects of the decision are affirmed.

SO ORDERED.<sup>[2]</sup> (emphasis and underscoring supplied)

By Deed of Sale of Real Property dated May 23, 1937, Emilia Samson (Emilia) conveyed to Josefa Parras (Josefa), mother of Perla Rico Go (respondent), a 405 square meter parcel of land situated in Domalandan West, Lingayen, Pangasinan.

On December 1971, Free Patent No. 51563 (OCT No. P-14822) was issued to the Heirs of Emilia's brother, Lorenzo Samson (the Samson heirs), covering the land.

After Josefa purchased the land in 1937, she allowed one Rufino Palma (Palma), nephew of petitioner Cesaria, to stay there. In 1984, Josefa donated the land to respondent who allowed Palma to remain on the land until 1989. Via two documents entitled "*Paknaan*," Palma recognized respondent's ownership of the land.<sup>[3]</sup> Photographs of the execution of the documents were in fact taken.<sup>[4]</sup>

When Palma vacated the land, respondent constructed fences made of galvanized roofing sheets and wooden posts on which was posted a "Private Property, No Trespass" sign.

On April 27, 1990, the Samson heirs transferred their rights to the land by a Deed of Extra-Judicial Partition with Sale to Spouses Braulio Navarro and Cesaria Sindao (petitioners). After 11 years or on May 2001, Transfer Certificate of Title No. 254853 was issued in petitioners' name.

Petitioner Braulio thereupon destroyed the fences of, and cut all the trees in the land, drawing respondent to file a complaint for annulment of documents â€œ Deed of Extra-Judicial Partition with Sale, Free Patent, Original Certificate of Title, Tax

Declarations, Declaration of Ownership of Real Property and Damages against petitioners before the Regional Trial Court (RTC) of Lingayen, Pangasinan. Petitioner Braulio passed away on March 22, 2002 and was substituted in the action by his heirs.<sup>[5]</sup>

Before the RTC, petitioners invoked good faith in purchasing the land from the Samson heirs in 1990, no encumbrances on the title to the land on file at the Register of Deeds having been annotated.

By Decision of April 1, 2003, Branch 38 of the Lingayen RTC upheld respondent's possession and that of her predecessors-in-interest in the concept of an owner, and declared that the issuance of a free patent title in favor of the Samson heirs is a nullity for "the land is beyond the jurisdiction of the Bureau of Lands to bestow . . ."

<sup>[6]</sup> Held the trial court:

The land in suit was already sold in 1937 by Emilia Samson to Josefa Paras Rico, mother of the plaintiff. (respondent) Since 1937 up to May 2001, the possession of Perla Rico Go in the concept of owner was never disturbed although the Heirs of Lorenzo Samson were able to secure OCT No. P-14822 in 1971. They never asserted their rights to the property, instead, they surreptitiously sold it to the defendant-Navarros. Thus, the Heirs of Lorenzo Samson have no more property to be titled and sold because Emilia Samson already sold what they are claiming as their own way back in 1937. It is also surprising why, Lorenzo Samson did not file any case to recover the property knowing fully well that it was already sold by his sister.<sup>[7]</sup> (underscoring supplied)

Brushing aside petitioners' claim of good faith, the trial court noted the fact that petitioners live not more than 200 meters away from the land on which Josefa constructed noticeable improvements.

On appeal, the Court of Appeals, by Decision of December 12, 2008, *affirmed with modification* the trial court's decision. Instead of nullifying the OCT of petitioners' predecessor-in-interest and the title of petitioners, it ordered petitioners to reconvey the title to respondent.

We cannot deny the plaintiff the legal remedy that is proper to a proven cause of action even if it was not expressly prayed for in the complaint. *Chacon Enterprises vs. Court of Appeals, supra*, at 793. We can rightly say in this respect that an action for reconveyance falls within the ambit of general prayer against the defendants to *relinquish all claims to the property to the plaintiff*. x x x

IN VIEW OF THE FOREGOING, the decision appealed from is MODIFIED, in that in lieu of decreeing the nullity of the patent and titles, the defendants Navarro are ordered to reconvey the title to the plaintiff. The case against Aurelia Caballero is dismissed. All other aspects of the decision are affirmed.<sup>[8]</sup> (underscoring supplied)