

## THIRD DIVISION

[ G.R. No. 115788, September 17, 1998 ]

**SPS. SONYA & ISMAEL MATHAY, JR., PETITIONERS, VS. HON. COURT OF APPEALS, SPS. TEODULFO & SYLVIA ATANGAN, SPS. AGUSTINA & AMOR POBLETE, SPS. EDUARDO & FELICISIMA TIRONA, RESPONDENTS.**

### DECISION

**PURISIMA, J.:**

At bar is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, seeking to set aside the Decision<sup>[1]</sup> of the Court of Appeals<sup>[2]</sup> dated November 18, 1993 in CA-G.R. CV No. 37902, reversing the Decision<sup>[3]</sup> dated March 30, 1992 in Civil Case Nos. TM-175, 180 and 206 of` Branch 23,<sup>[4]</sup> Regional Trial Court of Trece Martires City, Province of Cavite.

The antecedent facts which gave rise to private respondents' complaints are summarized in the Decision of the lower court, as follows:

"Civil Case No. TM-175 entitled "Spouses Teodulfo T. Atangan and Silvia [sic] L. Atangan vs. Spouses Sonya Mathay and Ismael Mathay, Jr., and the Register of Deeds of Cavite," involves (2) [sic] parcels of land situated in Tanza, Cavite, covered by Transfer Certificate of Title Nos. T-195350 covering Lot No. 2186-A, issued by the Office of the Register of Deeds of Cavite in the name of Spouses Teodulfo T. Atangan and Silvia [sic] L. Atangan, and TCT No. T-195351, covering Lot No. 2186-C, issued in the name of Silvia [sic] L. Atangan and Teodulfo T. Atangan, on July 24, 1985.

PLAINTIFFS allege that:

1) they are the registered owners of two (2) parcels of land situated in Tanza, Cavite having purchased the same from Spouses Tomas Lucido and Eustaquia Villanueva as evidenced by a Deed of Sale; 2) they were issued TCT Nos. T-195350 and T-195351; 3) the vendors, spouses Tomas Lucido and Eustaquia Villanueva were also issued TCT Nos. T-192527 and T-192529 by the Register of Deeds of Cavite, which were cancelled in favor of the plaintiffs; 4) vendors' titles which were transferred to plaintiffs were obtained by virtue of the decision in Civil Case No. NC-709 entitled Tomas Lucido vs. Juana Onate Batallones and Petronilla C. Quimio, Director of Lands, and Registers (sic) of Deeds of Cavite; 5) the heirs of Onofre Batallones and Norberto Quimio are the vendees of the said lands from the Bureau of Lands as evidenced by a Certification issued by Adelwisa P. Onga, (sic) Record Officer of the District Land Office of Trece Martires City; 6) the sale of the said parcels of land from the

Bureau of Lands in favor of the heirs of Batallones and Quimio was also evidenced by a Deed of Conveyance duly issued by Bureau of Lands; 7) from the time they obtained titles of the two parcels of land [they] have taken possession and paid the corresponding realty property taxes; 8) defendants have enclosed a portion of said property with a fence and occupied 23,800 square meters without the consent and will of plaintiffs; 9) plaintiffs have learned that defendants as vendees have also issued title covering the same land in the name of the plaintiffs under TCT No. T-113047; 10) the titles issued to defendants was (sic) the product of forgery because it was based on an alleged TCT No. T-3444 in favor of Pedro Banayo and Pablo Pugay of Trece Martires City who have no right whatsoever on the real estate in question; 11) upon investigation, it was certified by the Bureau of Lands that the said titles were falsified and forged because alleged Deed No. V-12918 was issued to one Jack C. Callado for Lot 18, Block 56, Tala Estate situated in Caloocan City and there was no record in the Bureau of Lands that Deed No. V-12918 was issued for Lot 2886, S.C. Malabon Estate, Cavite in favor of Pedro Banayo and Pablo Pugay from whom defendants have allegedly acquired title over the said property; 12) considering that the title of the defendants have no basis in law and fact and that the same was illegally, unlawfully and maliciously issued by the Register of Deeds on the basis of forged and falsified and none [sic] existing documents as basis for the issuance thereof, the same may be cancelled and defendants have no right to take possession of the real properties thereon including the portion pertaining to the herein plaintiffs consisting of 23,800 square meters, more or less; 13) in view of bad faith, illegal and unlawful actuations of the defendants in obtaining titles over the property in question thru forged and falsified documents, plaintiffs suffered sleepless nights, anxiety, mental anguish for which they are entitled to claim for moral damages in the sum of P100,000.00; 14) despite repeated demands from the plaintiffs for the defendnats (sic) to desist from enclosing the titled property with a fence, the latter without any lawful right insisted and actually closed their property with a fence, causing irreparable damage and prejudice to the plaintiffs; 15) in view of the illegal, unlawful, malicious and bad faith of the defendants and in disregard of the rights of the plaintiffs, the latter are constrained to hire the services of counsel for which they agreed to pay the sum of P50,000.00 in addition to the appearance fee of P500.00 every hearing of this case.

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Involved in Civil Case No. TM-180 entitled Sps. Agustina Poblete and Amor Poblete vs. Sps. Sonya Mathay and Ismael Mathay, Jr., and the Register of Deeds of Cavite for Annulment of Titles and Recovery of Possession, is a parcel of land situated in Tanza, Cavite, covered by Transfer Certificate of Title Nos. T-192532 registered in the name of Juana Batallones and Gaudencio Quimio which was allegedly sold to the herein plaintiff, as per "Deed of Conditional Sale" dated December 28, 1987.

PLAINTIFFS allege that:

1) Plaintiffs are the registered owners of a parcel of land situated in Tanza, Cavite having purchased the same from Juana Batallones and Gaudencio Quimio for themselves and on behalf of their co-heirs as evidenced by Deed of Sale;

2) Plaintiffs-predecessors-in-interest were duly issued Certificate of Title No. T-192532;

3) said vendees whose titles aforesaid was transferred in favor of the plaintiffs have obtained the title by virtue of the decision by then Court of First Instance of Naic, Cavite in Civil Case No. NC-709 entitled Tomas Lucido versus Juana Onate Batallones and Petronilla Q. Quimio, Director of Lands, the Register of Deeds of Cavite;

4) the heirs of Onofre Batallones and Modesta Quimio are the vendees of the land from the Bureau of Lands as evidenced by a Certification issued by Adelwisa P. Ong, Record Officer of the District Land Office of Trece Martires City;

5) the sale of the said parcel of land from the Bureau of Lands in favor of the heirs of Batallones and Quimio was also evidenced by a Deed of Conveyance duly issued by the Bureau of Lands;

6) plaintiffs have taken possession thereof;

7) defendants have enclosed a portion of said property with a fence and occupied 114,987 square meters thereof without the consent and against the will of plaintiffs;

8) plaintiffs have learned that defendants as vendees have been also issued Transfer Certificate of Title covering the same land titled in the name of the plaintiffs under TCT No. T-112047;

9) the title issued to defendants was the product of forgery because it was based on an alleged TCT No. T-111070 in favor of Pedro Banayo and Pablo Pugay of Trece Martires City who have no right whatsoever on the real estate in question;

10) upon investigation it was certified by the Bureau of Lands that the said title was falsified and forged because alleged Deed No. V-12918 was issued to one Juana C. Collado for Lot 18, Block 56, Tala Estate situated in Caloocan City and that there was (sic) no records in the Bureau of Lands that Deed No. 12918 was issued Lot 2886, S.C. Malabon Estate, Cavite in favor of Pedro Banayo and Pablo Pugay to whom defendants have allegedly acquired title over the said property;

11) considering that the title of the defendants have (sic) no basis in law and in fact and that the same was illegally, unlawfully and maliciously issued by the Register of Deeds on the basis of forged and falsified and none [sic] existing documents as basis for issuance thereof, the same may be cancelled and defendants have no right to take possession of the real property thereon including the portion pertaining to the herein

plaintiffs consisting of 114,987 square meters more or less, said title creates cloud on the title of plaintiffs and by their predecessors-in-interest and as such plaintiffs could not deal on said property and complete transactions thereto, thereby irreparable damage (sic);

12) as a result of the illegal, unlawful, unjust and malicious actuations of the defendants, plaintiffs were deprived of the use of the said parcel of land unlawfully and illegally occupied by them and they failed to introduce the necessary improvements thereon and for which they suffered damages in the amount of not less than P50,000.00;

13) in view of the bad faith, illegal and unlawful actuations of the defendants in obtaining title over the property [, plaintiffs] suffered from sleepless nights, anxiety, mental anguish for while (sic) they are also entitled to claim for moral damages in the sum of P100,000.00;

14) despite repeated demands from the plaintiffs for the defendants to desist from enclosing the titled property with a fence, the latter without any lawful right insisted and actually enclosed their property with a fence, causing irreparable damage and prejudice to the plaintiffs;

15) in view of the illegal, unlawful, malicious and bad faith of defendants and disregard of the right of the plaintiffs, the latter are constrained to hire the services of counsel for which they agreed to pay the sum of P50,000.00 in addition to appearance of P500.00 every hearing of this case;<sup>[5]</sup>

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In Civil Case No. TM-206 entitled Spouses Eduardo and Felicisima Tirona, et al., vs. Spouses Sonia (sic) Mathay, et al., for "Quieting of Title, Annulment of Title and Recovery of Possession with Damage," etc.

PLAINTIFFS, allege that:

3) on December 31, 1985, Spouses Bonifacio Motas and Juliana Motas bought a parcel of land situated at (sic) Tanza, Cavite known as Lot 2186-B of Psu-04-01892, containing an area of 18,943 square meters covered by Transfer of (sic) Certificate of Title No. T-192530 of the Registry of Deeds of Cavite from David Quimio as evidenced by a Deed of Absolute Sale;

4) Spouses Bonifacio Motas and Juliana Motas issued TCT No. T-203730 by the Register of Deeds of Cavite;

5) Vendors David Quimio, Sr., et al., are the previous registered owners of said parcel of land as evidenced by TCT No. T-192530;

6) Vendors David Quimio, Sr., whose title was transferred to Motas have obtained rights and interest thereon from their predecessors who were vendees from the Bureau of Lands which was confirmed in the Decision of then Court of First Instance of Cavite in Civil Case No. 809 entitled

Tomas Lucido versus Juana Batallones and Petronila Quimio, et al., issued on January 30, 1981;

7) said parcel of land was subdivided under Psu-04-01763 into eight lots as evidenced by Sub-division Plan; (sic)

8) plaintiffs bought the subdivided lots from Motas in good faith, and issued Transfer Certificate of Titles by the Office of the Register of Deeds of Cavite, as follows:

<b>NAME</b>	<b>LOT</b>	<b>TCT NO.</b>	<b>AREA</b>
<b>1. Sps Eduardo &amp; Felicisima Tirona</b>	2186-D-6	203728	3,000 sq.m.
	2186-D-1	203723	741 sq.m.
<b>2. Soledad Motas &amp; Sps. Ignacio San Jose &amp; Lucila San Jose</b>	2186-D-8	206078	3,409 sq.m.
	2186-D-8	206078	1,591 sq.m.
<b>3. Anania Cervania</b>	2186-D-3	203725	2,500 sq.m.
<b>4. Ricardo Malabanan</b>	2186-D-4	203726	2,500 sq.m.
<b>5. Plocerfina Tanyag</b>	2186-D-2	203724	700 sq.m.
<b>6. Ruperta Bartolome</b>	2186-D-5B	220606	550 sq. m.
	2186-D-5C	220607	700 sq. m.
	2186-D-5B	220608	700 sq. m.
	2186-D-A	220605	550 sq. m.

9) plaintiffs are the one (sic) paying the corresponding real property taxes thereon and were issued corresponding tax declaration by the Office of the Provincial Assessor of Cavite;

10) plaintiffs have come to know that defendants Spouses Sonia (sic) Mathay and Ismael Mathay, Jr. have enclosed among others said real properties of the plaintiffs with a fence and took physical possession thereof without the knowledge and consent of the plaintiffs;

11) plaintiffs have learned also that defendants have also issued Transfer Certificate of Title covering among others the same land titled in the name of the plaintiffs under Transfer Certificate of Title No. T-113047;

12) the title issued to defendants was the product of forgery because it was based on an alleged Transfer of Certificate of Title No. 3444 in favor of Pedro Banayo and Pablo Pugay of Trece Martires City who have no right whatsoever on the real estate in question and who have been in prior physical possession thereof, as such said title is void-ab-initio;