

FIRST DIVISION

[G.R. No. 96259, September 03, 1996]

HEIRS OF LUIS J. GONZAGA, NAMELY ROMANA, FERNANDO, PAZ, LUISA AND LUIS ANTONIO, ALL SURNAMED GONZAGA, PETITIONERS, VS. HON. COURT OF APPEALS AND SPOUSES JOSE LEELIN AND LILIA SEVILLA, RESPONDENTS.

[G.R. NO. 96274. SEPTEMBER 3, 1996]

GUILLERMO Y. MASCARIÑAS, PETITIONER, VS. HON. COURT OF APPEALS AND SPOUSES JOSE LEELIN AND LILIA SEVILLA, RESPONDENTS.

D E C I S I O N

HERMOSISIMA, JR., J.:

Assailed in these consolidated petitions is the decision^[1] of the Court of Appeals^[2] in the exercise of its review jurisdiction over a case for annulment of Torrens title and/or quieting of title with damages^[3] filed before the then Court of First Instance, now the Regional Trial Court of Caloocan City.^[4]

There were two (2) defendants in the said case, namely, Luis J. Gonzaga, now deceased, and petitioner Guillermo Y. Mascariñas. The latter's appeal from the herein assailed decision was docketed as G.R. No. 96274, while the former was substituted by his heirs whose appeal from the same decision was docketed as G.R. No. 96259. Considering that the two appeals raised the same questions and issues and involved the same private respondents, we ordered them consolidated upon petitioner Mascariñas' motion.^[5]

The irreconcilable conflict between petitioners and private respondents centers on two parcels of land which they each claim in full exclusive ownership.

We gather from the records that one Jose Eugenio had once been the registered owner of lot nos. 3619 and 3620 of the Cadastral Survey of Caloocan under Transfer Certificate of Title (TCT) No. 17519. Sometime in 1960, Eugenio sold the two lots to deceased defendant Luis J. Gonzaga.^[6] Consequently, Eugenio's TCT No. 17519 was cancelled, and the Registry of Deeds for the Province of Rizal issued on November 29, 1960, TCT No. 81338^[7] in the name of Gonzaga. On September 28, 1981, Gonzaga sold the two lots to petitioner Mascariñas.^[8] Following the conveyance, Gonzaga's TCT No. 81338 was cancelled, and issued in the name of Mascariñas was TCT No. 48078^[9] covering the same two lots.

Equally borne out by the records, however, is the fact that another subsisting Torrens title covers the same two lots subject of the sale between Eugenio and

Gonzaga and that between Gonzaga and petitioner Mascariñas. This other title is TCT No. C-26086^[10] in the name of private respondent Lilia Sevilla, married to Jose Seelin, issued on August 2, 1979 by the Registry of Deeds for Metro Manila, District III. TCT No. C-26086 covers a number of lots, among them, lot nos. 65 and 66 which are identical with lot nos. 3619 and 3620 embraced by the titles issued in the names of Eugenio, Gonzaga and petitioner Mascariñas.

We note on the face of TCT No. C-26086 that the same is a transfer from Original Certificate of Title (OCT) No. 994 which was registered on April 19, 1917 pursuant to Decree No. 36455. The court *a quo* made the following findings of fact as regards the circumstances of that transfer, as follows:

"x x x plaintiff [private respondent] purchased the two lots described as Lots No. 65 and 66 from Felicidad Rivera, Benito Rivera and Victoria Rivera, the legal heirs of Bartolome Rivera, as evidenced by a deed of absolute sale x x x which was registered on August 2, 1979, under Transfer Certificate of Title No. 26086 x x x

x x x

Bartolome Rivera and his co-plaintiffs in Civil Case No. C-424 are the successors-in-interests of Maria de la Concepcion Vidal, and in a Decision, dated December 29, 1965, rendered by the Court of First Instance of Rizal in Civil Case No. C-424, an action for partition and accounting x x x it ordered the partition for the plaintiffs of the properties described under Original Certificates of Titles Nos. 982, 983, 984, 985 and 994. [emphasis supplied]

In Civil Case No. 4557, the then Court of First Instance of Rizal, under Presiding Judge Cecilia Muñoz-Palma, ordered the Register of Deeds of Rizal to cancel the name of Maria de la Concepcion Vidal from Original Certificate of Title NO. 994 and substitute in lieu thereof the name of Bartolome Rivera and his co-plaintiffs.

Evidently, Bartolome Rivera, the predecessor-in-interest of herein plaintiffs appears as co-owner in the Original Certificate of Title No. 994 x x x."^[11]

The present controversy arose when private respondents filed on October 14, 1981, a complaint for annulment of Gonzaga's Torrens title insofar as it embraced lot nos. 3619 and 3620 which are identical with those described in private respondents' own title as lot nos. 65 and 66. Before the court a quo, Gonzaga interposed an answer asserting that since he had already sold and conveyed the subject lots on September 28, 1981 to petitioner Mascariñas, private respondents no longer have any cause of action against him. Consequently, private respondents filed an amended complaint to include petitioner Mascariñas as party-defendant.

Both the court a quo and the respondent appellate court recognize that the two conflicting TCTs were derived from one common OCT, viz., OCT No. 994. However, while both the court a quo and the respondent appellate court found that OCT No. 994 was registered on May 3, 1917, we find that on the one hand, petitioners' titles

indicate original registration to have been made on May 3, 1917, but on the other hand, private respondents' title indicates original registration to have been made on April 19, 1917.

The court a quo resolved the conflicting claims in favor of private respondents. It ratiocinated in this wise:

"As matters stand, the Court is once more called upon to determine which of the conflicting titles is valid.

Let us examine the hard facts.

A deepening scrutiny over the evidence in record bares a relevant distinction between plaintiffs' [private respondents'] and defendants' [petitioners'] titles as to their origin. As may be seen, defendants' [petitioners'] titles were registered under Cadastral Proceedings in Cadastral Case No. 34, Cadastral Record No. 1606, Cadastral Survey of Caloocan.

Whereas, as the Court finds, plaintiffs' [private respondents'] title was derived from the Original Certificate of Title No. 994, issued in Land Registration Case No. 4429, pursuant to Decree 36455 in 1917.

As indubitably shown in a Deed of Absolute Sale dated January 14, 1977 x x x plaintiffs [private respondents] acquired the two properties in question, together with other several parcels of land, from Felicidad Rivera, Benito Rivera and Victoria Rivera, the legal heirs of one Bartolome Rivera.

Bartolome Rivera and other co-plaintiffs are the successors-in-interests to the undivided share of Maria Concepcion Vidal in several parcels of land under Original Certificates of Titles Nos. 982, 983, 984, 985, and 994, as duly established in the two Decisions rendered in Civil Case No. C-424 and in Civil Case No. C-1796 by the Court of First Instance of Rizal x x x

As may be seen, Maria Concepcion Vidal was one of the original co-owners of the properties registered under the Original Certificate of Title No. 994, issued by the Land Registration Court in Land Registration Case No. 4429, pursuant to Decree NO. 36455 x x x

Thus, in said Decision x x x dated December 29, 1965, it ordered a partition of the subject properties among the plaintiffs being the successors-in-interest of Maria Concepcion Vidal.

It bears emphasis that in said Decision of December 29, 1965 x x x it states, in part, to wit:

'x x x This undivided share of Maria de la Concepcion Vidal,

***consisting of 1-189/1000 per cent of the properties described in Original Certificates of Title Nos. 982, 983, 984, 985 and 994, has never been sold or disposed of by said Maria de la Concepcion Vidal, and therefore, her said share now belongs to the herein plaintiffs who are the surviving heirs of the said Maria de la Concepcion Vidal and entitled to said undivided share in the following proportions: Bartolome Rivera, 1/3 of 1-189/1000 per cent x x x These plaintiffs, therefore, are now co-owners of the parcels of land described in Original Certificates of Title Nos. 982, 983, 984, 985 and 994, in the aforesated proportions and entitled to demand the partition of said properties.'* (emphasis supplied)**

Evidently, the sale of the property by Jose Eugenio to defendant Luis Gonzaga on November 29, 1960 has no valid basis.

In final focus is the Court Order issued by the Court of First Instance of Rizal x x x in Civil Case No. C-1796 ordering the issuance of a transfer certificate of title in favor of plaintiffs [private respondents] over several parcels of land including the two lots in question.

x x x

Considering the findings and the dispositive portion of the Decision of the then Court of First Instance x x x to the effect that there being no valid ground why the torrens title should not be issued to the petitioners x x x [private respondents], considering the deed of sale executed by Victoria, Benito and Felicidad all surnamed Rivera x x x in favor of petitioners [private respondents] were duly acknowledged before a notary public and the same found to be regular and in due form, thereby divesting the land in fee simple form, the registered owner Bartolome Rivera or his heirs in favor of petitioners x x x [private respondents] their corresponding technical descriptions having been approved and verified by the Bureau of Lands, this Court finds plaintiffs' [private respondents'] rights and title over the properties in question indubitably established.

***True, it is that defendants' [petitioners'] title was issued by a Cadastral Court in Cadastral Case No. 34, G.L.R.O. Cadastral Record No. 1106, which was undeniably subsequent to the Land Registration Case No. 4429 of 1917 x x x but well-settled in a catenna [sic] of cases is the doctrine that in a cadastral case the Court has no jurisdiction to decree again the registration of land already decreed in an earlier land registration case and a second decree for the same land is NULL and VOID."*^[12]**

Accordingly, the court a quo rendered judgment declaring private respondents' TCT No. C-26086 as valid and legal and ordering the Register of Deeds of Caloocan City to cancel Gonzaga's TCT No. 81338 and petitioner Mascariñas' TCT No. 48079, the same being null and void.

Petitioners appealed that decision to the respondent court. Petitioners reiterated specific errors allegedly committed by the court a quo, especially as regards appreciation of the document denominated as Report and Recommendation issued by the Land Registration Commission (LRC). Said document was formally offered by petitioner Mascariñas^[13] but had been apparently ignored by the court *a quo* and considered of little probative value by respondent court for being a mere xerox copy. In that Report and Recommendation, the LRC concluded that all titles emanating from Bartolome Rivera under OCT No. 994 have been issued through fraud and misrepresentation essentially because Maria de la Concepcion Vidal, indicated on the LRC records to have died at the age of only nine (9) years old, could not have possibly borne children, among them, Severo who is said to be the ascendant of Bartolome Rivera from whose heirs, in turn, private respondents purchased the subject lots.

Likewise rebuffed by the respondent court, petitioners filed a motion for reconsideration, which was however denied in a resolution^[14] dated November 13, 1990.

The respondent Court of Appeals, in affirming the findings and ruling of the court a quo, gave nary a significance to the aforecited LRC Report and Recommendation. It ruled:

"While We agree with appellants' [petitioners'] thesis that their respective titles are valid, the same observation must likewise be extended as regards appellee [private respondent] Sevilla's title, the contrary view not having been adequately substantiated through relevant and competent evidence. This benefit of the doubt stands notwithstanding the xeroxed copy of the Land Registration Commission's purported "Report and Recommendation" x x x the appended [sic] copy purportedly to be that of the Commission's report was merely a xerox copy and never a certified true copy thereof as expressly mandated by Sections 25 and 26, Rule 132, of the Revised Rules of Court as reiterated in Section 7, Rule 130, of the Revised Rules of Evidence. Moreover, worth noting is the fact that said xerox copy bore no signatures of the supposed officials who executed the same x x x No wonder the court a quo did not bother to lend any weight to this piece of evidence, notwithstanding the failure of Sevilla to interpose a timely objection thereto. The lack of objection may make any incompetent evidence admissible x x x But admissibility of evidence should not be equated with weight of evidence x x x Failure to object to the presentation of incompetent evidence does not give probative value to the evidence x x x

Granting arguendo, that the Land Registration Commission issued such a report on February 2, 1981, We believe that the same suffers from a congenital infirmity as it could not have possibly overruled the final decisions of the various branches of the then Court of First Instance of Rizal in Civil Case No. C-424, enjoining Bartolome Rivera and his co-heirs to partition the properties