

NINTH DIVISION

[CA-G.R. CV NO. 99017, March 28, 2014]

**RITA S. MAYORMITA, PLAINTIFF-APPELLANT, VS. EQUITABLE
PCI BANK, DEFENDANT-APPELLEE.**

D E C I S I O N

LAMPAS PERALTA, J.:

Before the Court is an appeal from the (i) Amended Decision dated January 27, 2012^[1] in Civil Case No. 416-M-2005 of Branch 11, Regional Trial Court, Malolos City, Bulacan which dismissed the complaint for "Quieting of Title and/or Cancellation of Transfer Certificate of Title with Damages" and annulled Transfer Certificate of Title (TCT) No. T-31174 issued in plaintiff-appellant Rita S. Mayormita's name, and (ii) Order dated March 26, 2012^[2] of the trial court which denied plaintiff-appellant's motion for reconsideration of the Amended Decision dated January 27, 2012.

The Antecedents

The present case involves a parcel of land with an area of 4,125 square meters located in Bo. Libtong, Meycauayan, Bulacan, covered by two titles. According to plaintiff-appellant, TCT No. T-31174 was issued on February 7, 1961 in her name by the Registry of Deeds of the Province of Bulacan. In the course of ejectment proceedings she filed against spouses Edgardo Sanchez and Ma. Beatriz Sanchez, she discovered that the same parcel of land was also covered by TCT No. T-436405(M) issued on July 26, 2004 in the name of defendant-appellee Equitable PCI Bank (now known as BDO Unibank, Inc.^[3]).

However, according to defendant-appellee, its TCT No. T-436405(M) is valid and it emanated from Land Registration Case No. (LRC) V-583 and (LRC) Case Record No. N-33786 with Decree No. N-125254.

Details of the respective factual versions of the parties were summarized in the trial court's Amended Decision dated January 27, 2012 as follows:

Plaintiff and defendant have conflicting titles over a property located in Bo. Libtong, Meycauayan, Bulacan. Plaintiff holds on to Transfer Certificate of Title No. 31174 while defendant holds on Transfer Certificate of Title No. T-436405(M).

Plaintiff alleges that her title was entered in February 7, 1961 and that in 2004, she discovered that the property was being occupied by Mr. Edgardo L. Sanchez and Beatriz T. Sanchez and thus, filed ejectment

proceedings against him before the Municipal Trial Court of Meycauayan, Bulacan in Civil Case No. 04-195. On the other hand, defendant claims that on May 14, 1985, TCT No. 74287 was issued in the name of Virginia Datiles and Maxima Datiles which was adverse to the title of the plaintiff. The property had undergone several conveyances until TCT No. T-138745(M) over the subject property was issued in the name of Ma. Cristina M. Guison and Teresita M. Guison. The latter then mortgaged the subject property to PCI Leasing Finance, Inc. and thereafter, PCI Leasing acquired the property through foreclosure for which it was issued TCT No. T-264035. PCI Leasing then sold the subject property to Mr. Sanchez who was issued TCT No. T-373189(M). The subject property was then sold by Mr. Sanchez to Cherubin Laboratory, Inc. which was issued TCT No. T-40832(M). Thereafter, Cherubin executed a Real Estate Mortgage in favor of defendant. Upon the failure of the debtor to pay the obligations subject of the mortgage, defendant foreclosed the property for which reason TCT No. T-408324(M) was cancelled and TCT No. T-436405(M) was issued in favor of the defendant. It is this title which is now the subject of dispute in the instant case.”^[4]

On June 9, 2005, plaintiff-appellant filed with the trial court a complaint against defendant-appellee for “Quieting of Title and/or Cancellation of Transfer Certificate of Title with Damages,” alleging that (i) plaintiff-appellant owned the subject parcel of land and sometime in October 2004, she discovered that the land was occupied by spouses Edgardo Sanchez and Ma. Beatriz Sanchez without her knowledge and consent; (ii) plaintiff-appellant filed an ejectment complaint against spouses Edgardo Sanchez and Ma. Beatriz Sanchez before the Municipal Trial Court (MTC), Meycauayan, Bulacan; (iii) in the course of the ejectment proceedings, plaintiff-appellant discovered that the subject property had been registered in the name of defendant-appellee under TCT No. T-436405(M), Registry of Deeds, Province of Bulacan; (iv) while the technical descriptions appearing on both titles are substantially the same, upon verification with the Land Registration Authority (LRA), it was certified that the “consolidation-plan (LRC) Pcs-2864” which appears on TCT No. T-436405(M) referred to property situated “in the District of Tondo, City of Manila” and not “in Bo. Libtong, Meycauayan, Bulacan;” (v) also, per cadastral survey for Meycauayan, Bulacan, Lot 4267, as appearing on TCT No. T-436405(M), contains an area of “three hundred nine (309) square meters’ only, and not “four thousand one hundred twenty five square meters and fifty sq. decimeters (4,125.50).” Thus, plaintiff-appellant prayed that judgment be rendered (i) removing any doubt as to the validity of TCT No. T-31174 and cancelling TCT No. T-436405(M) for being spurious and fictitious; (ii) directing the Registry of Deeds of Malolos, Bulacan to cancel TCT No. T-436405(M); and, (iii) ordering defendant-appellee to pay plaintiff-appellant moral damages, exemplary damages, attorney's fees and costs of suit.^[5]

Defendant-appellee filed an “Answer (with Counterclaims),” alleging that (i) defendant-appellee had better title to the property and was a transferee in good faith; (ii) plaintiff-appellant's title to the property was defective and covered a different parcel of land; and, (iii) the case should be dismissed because plaintiff-appellant was guilty of laches and forum shopping.^[6]

During the pre-trial, the parties stipulated on the fact that the title to the property was already in the name of defendant-appellee.^[7] Trial ensued wherein the parties

presented their own respective evidence.

On January 27, 2012, the trial court rendered a Decision dismissing plaintiff-appellant's complaint and ordering, among others, the Registry of Deeds of Meycauayan, Bulacan to cancel plaintiff-appellant's TCT No. T-31174. Thus:

WHEREFORE, premises considered, the Complaint dated June 7, 2005 filed by plaintiff is hereby **DISMISSED**. Transfer Certificate of Title No. 31174 of the plaintiff is hereby annulled. The Registry of Deeds of Meycauayan, Bulacan is ordered to cancel the said title. The Registry of Deeds of Meycauayan, Bulacan is ordered to amend the technical description of Transfer Certificate of Title No. T-436405(M) as stated above. Plaintiff is further ordered to pay the defendant the amount of P200,000.00 as attorney's fees and costs of suit.

SO ORDERED.^[8]

Defendant-appellee filed with the trial court an Omnibus Motion for Clarification and Correction, seeking clarification regarding the portion of the Decision ordering the amendment of defendant-appellee's title and praying for the correction of the technical description so as to reflect the court's findings.^[9]

In an Amended Decision which was also dated January 27, 2012, the trial court amended the portion on page 8 of the Decision stating the technical description of the property with respect to the Pcs and lot number. Notably, the dispositive portion remained exactly the same as the original Decision.^[10]

Meanwhile, plaintiff-appellant filed a motion for reconsideration of the Decision dated January 27, 2012,^[11] but the trial court denied the same in an Order dated March 26, 2012.^[12]

Hence, plaintiff-appellant filed this appeal, raising the following:

"The Regional Trial Court of Malolos City Branch 11 committed errors when it issued the following:

1. a Decision and an Amended Decision dated January 27, 2012 when it dismissed the case for Quieting of Title and/or Cancellation of Title with Damages filed by herein Plaintiff-Appellant against Defendant-Appellee Equitable PCI Bank.

2. an Order dated March 26, 2012 when it denied the Motion for Reconsideration of the Decision and Amended Decision filed by the Plaintiff-Appellant."^[13]

The Issues

Whether the trial court erred in dismissing the complaint for "Quieting of Title and/or Cancellation of Transfer Certificate of Title with Damages," and in annulling TCT No. T-31174 registered in plaintiff-appellant's name.

The Court's Ruling

In ordering the cancellation of TCT No. T-31174 in the name of plaintiff-appellant, the trial court found that the same was spurious, as plaintiff-appellant failed to present the decree upon which her title was based. On the other hand, defendant-appellee presented Decree No. N-125254 containing the same LRC No. V-583 and LRC Record No. N-33786 indicated in defendant-appellee's TCT No. T-436405(M).

Plaintiff-appellant argues that the trial court erred in not giving weight to her documentary evidence such as the Certification dated June 24, 2004^[14] issued by Apolinar R. Lucido of the Land Registration Authority (LRA) showing that defendant-appellee's title covered a property located in Tondo, Manila and contained erroneous entries in the survey and designated lot numbers. Allegedly, the errors in the survey number and lot number reflected in defendant-appellee's title are substantial and render the latter's title defective and spurious.

For its part, defendant-appellee maintains that "it is the title of Plaintiff-Appellant which appears to be spurious as it is unsupported by a judicial decree."^[15] Allegedly, plaintiff-appellant is "bound by the testimony and declarations" of Engineer Porfirio Encisa, plaintiff-appellant's own witness,^[16] that defendant-appellee's title merely contained typographical errors which did not affect the validity thereof.

It is basic that in civil cases, the burden of proof to be established by preponderance of evidence is on plaintiff who is asserting the affirmative of an issue. Plaintiff has the burden of presenting evidence required to obtain a favorable judgment, and he, having the burden of proof, will be defeated if no evidence were given on either side.^[17] Moreover, the party having the burden of proof must rely on the strength of his own evidence and not upon the weakness of the defendant's. The concept of "preponderance of evidence" refers to evidence which is of greater weight, or more convincing than that which is offered in opposition to it; at bottom, it means probability of truth.^[18]

The complaint for "Quieting of Title and/or Cancellation of Transfer Certificate of Title with Damages" filed by plaintiff-appellant in the case below is premised on her claim that her TCT No. T-31174 is valid, while defendant-appellee's TCT No. T-436405(M) is spurious. Allegedly, "the subject property was fictitiously and erroneously referred to, and claimed, as being covered" by TCT No. T-436405(M) in the name of defendant-appellee, and defendant-appellee's title refers to property situated in Tondo, Manila, per Certification dated June 24, 2004 issued by the LRA.^[19]

Records bear that plaintiff-appellant presented Engineer Porfirio Encisa of the LRA as witness, the consolidation plan under Pcs 2864, and a Certification dated June 24, 2004 from the LRA. Although plaintiff-appellant presented said Certification dated June 24, 2004 from the LRA, she failed to show how the same was related to the subject property. Neither plaintiff-appellant's TCT No. T-31174 nor defendant-appellee's TCT No. T-436405(M) was mentioned in the Certification which reads:

"This is to certify that consolidation-subdivision plan (LRC) Pcs-2864 is situated in the District of Tondo, City of Manila, Island of Luzon, covering Lot 29-New-I, Psd-10669 & lots 98 – 100, Blk. 2913, Manila Cadastre, embraced in Transfer Certificate of Title Nos. 34028, 60385 & 60386 as surveyed for Jose F. Tangco, et al, was approved on June 1, 1967 per Microfilm Hardcopy.

However, the survey envelope of said consolidation-subdivision plan (LRC) Pcs-2864 is not available in our Vault Section."^[20]

Significantly, even plaintiff-appellant's own witness, Engineer Porfirio Encisa explained that (i) said LRA Certification dated June 24, 2004 pertains to a different lot, and (ii) defendant-appellee's title merely contained typographical errors on the survey number and lot number. Thus:

Engineer Porfirio Encisa on cross examination:

"Q Now Mr. Witness, going back to the Certification. It states that the Consolidation and Subdivision Plan is situated in the district of Tondo, City of Manila but it does not state that it pertains also to a lot in Bocaue, Bulacan. Can you explain this Mr. Witness?

A That Certification has no relation at all with the subject of this case. As far as our available record is concerned, the correct number of TCT No. T-4605 registered in the name of Equitable PCI Bank should be LRC Pcs-28641, Your Honor, I have here the original copy of the plan, Your Honor.

Q Can you tell us what does the original copy means (sic)?

A This is the original Consolidation and Subdivision Plan of Lots 4267-D, F and G of LRC Psd-327170 wherein the subject title is a portion, sir."^[21]

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Engineer Porfirio Encisa on re-direct examination:

"Q Do you have that document that we could compare the error with?