

## SPECIAL FOURTH DIVISION

[ CA-G.R. CV NO. 96864, May 30, 2014 ]

**SPOUSES LARRY B. TOBIAS AND LYN V. TOBIAS, PLAINTIFFS-APPELLEES, VS. OMENGAN CONSTRUCTION AND DEVELOPMENT CORPORATION, DEFENDANT-APPELLANT.**

### D E C I S I O N

**TOLENTINO, A.G., J.:**

This is an appeal from the *decision*<sup>[1]</sup> dated September 22, 2010 of the Regional Trial Court of Quezon City (RTC), Branch 216, in Civil Case No. Q-01-43567 entitled *Spouses Larry B. Tobias and Lyn V. Tobias vs. Omengan Construction and Development Corporation*.

Spouses Larry B. Tobias and Lyn V. Tobias (Spouses Tobias), as plaintiffs filed an action for *quieting of title* with the Regional Trial Court (RTC) of Quezon City, alleging that they are the true and lawful owners in fee simple of a real property situated at Don Enrique Subdivision, Commonwealth Avenue, Quezon, consisting of Two Hundred (200) Square Meters, more or less, as evidenced by their Transfer Certificate of Title (TCT) No. 115735. They claimed that they purchased the same from the spouses Virgilio Ramon G. Laurente and Alicia T. Laurente sometime in 1994, as evidenced by a Deed of Absolute Sale executed in their favor. The Sps. Tobias further averred that sometime in November, 2000, defendant Omengan Construction and Development, through its representative, appeared at Don Enrique Subdivision and claimed ownership of their property. The complaint was docketed as Civil Case No. Q-01-43567 and raffled off to Branch 216 of the RTC of Quezon City.

Omengan Construction and Development Corporation (OCDC), as defendant-appellant denied Sps. Tobias' allegations and stubbornly claimed that the disputed lot is covered by Transfer Certificate of Title (TCT) No. N-217020 in its name. It asserted that it bought the property from the registered owners, Roberto Nolasco and Julian F. Salcedo, as evidenced by a Deed of Sale dated April 4, 2000. It asseverated that it was a purchaser for value and in good faith, as no one claimed adverse title thereto.

On September 22, 2010, the RTC decided in favor of the plaintiffs Sps. Tobias, whereby it ruled:

"WHEREFORE, premises considered, judgment is hereby rendered:

1. DECLARING TCT No. 115735 of the Register of Deeds of Quezon City in the name of Sps. Larry B. Tobias and Lyn V. Tobias superior to that of TCT No. 217020 in the name of defendant corporation;
2. Declaring TCT No. N-217020 of the land records of the Register of Deeds of Quezon City null and void and same ordered cancelled insofar as the area of two hundred (200) sq. m., covered by plaintiffs' title is

concerned;

3. Dismissing plaintiffs' claim for damages.

No Costs.

SO ORDERED.”<sup>[2]</sup>

The defendant OCDL sought partial reconsideration<sup>[3]</sup> of the aforesaid decision but this was denied in the order<sup>[4]</sup> of March 22, 2011.

Hence, this appeal whereby defendant OCDL assigned as *errors*<sup>[5]</sup> the following:

I.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT RULED THAT THE NON-SUBMISSION OF THE RECONSTITUTED TITLE IN THE NAME OF DEFENDANT-APPELLANT'S PREDECESSOR IN-INTEREST WAS FATAL.

II.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT RULED THAT PLAINTIFFS-APPELLEES' TITLE TO THE PROPERTY IN DISPUTE IS SUPERIOR TO DEFENDANT-APPELLANT'S.

III.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT ORDERED THE CANCELLATION OF DEFENDANT-APPELLANT'S TITLE OVER THE DISPUTED PROPERTY.

IV.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT DID NOT DISMISS THE COMPLAINT FOR UTTER LACK OF MERIT.

V.

THE TRIAL COURT COMMITTED REVERSIBLE ERROR WHEN IT DID NOT DECLARE DEFENDANT-APPELLANT AS THE TRUE AND LAWFUL OWNER OF THE PROPERTY IN DISPUTE.

From the evidence, both testimonial and documentary presented by the parties, the RTC made the following findings in support of the *fallo*, to wit:

“From the evidence submitted by plaintiffs, TCT No. 115735 (Exhibit C)<sup>[6]</sup> traces its origin from Sales Certificate No. 777 covering Lot 827 of the Piedad Estate. In a Report dated May 20, 2002 (Exhibit I-1)<sup>[7]</sup> addressed to LRA Administrator Benedicto B. Ulep, it appears that subject lot was originally sold to Vicente Salgado on June 16, 1913. It was assigned to one S. Gochangco on February 25, 1919 who further assigned the same to Jose V. Hernandez on December 6, 1920. The property passed into the hands of Antonio de Zuzuarregui on January 16, 1922 and later to Jose Cirar Sumandi on June 17, 1926. Filomena S. Mateo acquired the property on October 18, 1920 who reassigned the same to Zuzuarregui