

SPECIAL TWELFTH DIVISION

[CA-G.R. CV No. 96867, May 28, 2014]

**IN RE: APPLICATION FOR REGISTRATION OF ORIGINAL
REGISTRATION OF TITLE, HEIRS OF URBANO CALUMA,
APPLICANTS-APPELLANTS, VS. SAINT LOUIS REALTY
CORPORATION, OPPOSITOR-APPELLANT.**

D E C I S I O N

PAREDES, J.:

THE CASE

THIS IS ON THE APPEAL filed by both applicants Heirs of Urbano Caluma (*Heirs of Caluma*) and oppositor Saint Louis Realty Corporation (*SLRC*) from the Order^[1] dated February 23, 2004 of the Regional Trial Court (*RTC*), Branch 160, Pasig City (San Juan Station), in LRC Case No. N-4405, dismissing, without prejudice, the applications for original registration of title; and the Order^[2] dated March 8, 2011, denying the motions for reconsideration.

THE ANTECEDENTS

On December 6, 1963, Urbano Caluma (*Urbano*), claiming to be the owner in fee simple of a parcel of land situated in the Municipality of Antipolo, Rizal, covering an area of 695,860 square meters, more or less (*the subject property*), filed an Application for Original Registration^[3] before the Court of First Instance, Branch VI, Rizal. The case was docketed as LRC Case No. N-4405 (LRC Rec. No. N-25262).

On July 10, 1990, SLRC filed a Motion^[4] for substitution of Applicant on the ground that it had purchased the subject property from Urbano by virtue of a Deed of Absolute Sale dated March 26, 1963, which sale was allegedly sustained by the decision dated December 18, 1968 of the RTC, Pasig, in Civil Case No. 10160, and affirmed by this Court in G.R. No. L-43780-R dated January 24, 1977.

In the Order^[5] dated November 13, 1990, Pasig RTC-Branch 153 (the court then handling the case) denied the Motion for Substitution of SLRC on a finding that the purported decision in Civil Case No. 10160 was only for the award of damages, not for the sale of the subject property, and that there is no showing that the said decision had been executed.

On November 15, 1990, due to the death of applicant Urbano Caluma on August 31, 1990, and due to the case having been archived on October 25, 1977, the Heirs of Caluma filed a Motion^[6] for revival, continuance and substitution of Applicant by his compulsory heirs.

On November 26, 1990, Pasig RTC-Branch 153 granted^[7] the Motion and ordered the revival of LRC Case No. N-4405 and the continuation of the hearing with the

Heirs of Caluma as substitute applicants. Thereafter, hearing ensued.

On July 19, 1991, Pasig RTC-Branch 153 rendered a Decision^[8], the dispositive portion of which reads:

WHEREFORE, the requisite of possession and occupation of the parcel of land in question as provided for in Commonwealth Act No. 141 (b) as amended, having been satisfied, the Court hereby confirms applicant's title to the same and order its registration in his name.

Upon the order becoming final and executory, let an order for the issuance of the decree be issued.

SO ORDERED.

On August 16, 1991, the Republic of the Philippines, through the Office of the Solicitor General (*OSG*), filed a motion for reconsideration^[9] on the following grounds, that: (1) it was not furnished a copy of applicant's formal offer of evidence; (2) it was not notified of the hearing on February 18, 1991; (3) the decision did not pass upon the opposition filed in 1964; (4) the decision was based on an incomplete record of the case; and (5) private oppositors were not notified of the reactivation of the application.

On February 19, 1993, Pasig RTC-Branch 153 issued an Order^[10] granting the motion for reconsideration of the *OSG* and setting the case for further reception of evidence in order to allow the Republic and private oppositors the opportunity to cross-examine the witnesses of the applicant and present evidence in their behalf.

Silverio G. Perez, the Director of the Department of Registration, Land Registration Authority (*LRA*) submitted to Pasig RTC-Branch 153, a Report^[11] dated March 10, 1994, informing the court of his finding that portions of plan *Psu-198433* were subjects of registration in other cases or records. He recommended that: (a) the Regional Technical Director, Land Management Sector, Region IV, Manila, be ordered to verify the information that the property overlapped with other surveys and submit the result of their findings to the Honorable Court and to the *LRA*; (b) the applicant to submit an amended plan of *Psu-198433* together with the corresponding technical description duly verified and approved by the Regional Technical Director by excluding therefrom as separate lots the portion covered by the decreed properties; and (c) *CENRO*, Antipolo, Rizal to submit a report on the status of the following surveys if covered by land patents, to wit: (1) *Psu-206397*, Lot 2; (2) *Psu-208805*; (3) *Psu-199438*, Lots 1-4; (4) *Psu-212482*, Lot 1; (5) *Psu-196701*, Lot 2; (6) *Psu-199692*; and (7) *FV-12507*, Lot 3.

Pursuant to the said Report, the Heirs of Caluma were ordered^[12] to amend the application and/or relocate the areas applied for, so as to exclude the portions covered by the decreed properties.

On November 29, 1994, the Heirs of Caluma filed their Compliance/Manifestation^[13] averring that they had caused the approval of plan *Psu-197833*, as amended, dated November 4, 1994 and praying that the decision dated July 19, 1991 be amended accordingly, and reiterate the immediate issuance of the decree of registration in the name of the (substituted) applicants.

On December 7, 1994, Pasig RTC-Branch 153, issued an Order^[14] ruling thus:

WHEREFORE, the decision of this Court of July 19, 1991 is amended reducing the areas applied for to 676,673 square meters (Lot 4, Psu-198433 Amd.) so as to exclude the conflicted areas.

The Land Registration Authority is hereby ordered to issue a decree of registration to the areas applied for above, in the names of the substituted applicants.

SO ORDERED.

In the Supplemental Report^[15] dated August 14, 1995, Artemio Legaspi, Acting Director of the Department of Registration of the LRA, reported that when the amended plan was plotted in their Municipal Index Sheet thru its tie line, discrepancies were again noted and were referred to the Regional Director, Lands Management Sector, Region IV, Manila, through the letter dated February 28, 1995, for verification and correction.

In view of the supplemental report, Pasig RTC-Branch 153 issued an Order^[16] on August 28, 1995, directing: (a) the Regional Technical Director of the Lands Management Sector of Region IV to verify the information cited in the letter dated February 28, 1995 of the LRA and to submit the result of his/her findings to the RTC and the LRA within 15 days from receipt; (b) the applicant to submit another amended plan of Psu-198433 Amd. together with the corresponding technical description duly verified and approved by the Regional Technical Director by excluding therefrom as separate lots the remaining portions covered by decreed properties within 30 days from receipt.

On February 19, 1998, the Heirs of Caluma and the Director of the Department of Registration of the LRA submitted a Compliance with Joint Manifestation^[17] alleging that, as of February 8, 1998, plan Psu-198433, amd., was completed and approved as requested by the LRA to the Regional Director of the Bureau of Lands, Region IV. The approved amended plan^[18] and the technical descriptions^[19] of the lots were submitted to Pasig RTC-Branch 153.

In the Omnibus Order^[20] dated January 29, 1999, the Heirs of Caluma were directed to show proof that they have complied with the jurisdictional requirement of publication pursuant to Section 19, PD 1529, in order to vest jurisdiction upon the court to pass upon the merits of the case.

The LRA then filed a Motion^[21] to dispense with republication considering that the area applied for had decreased by 19,187 square meters from the original area applied for of 695,860 square meters, to 676,673 square meters, but that discrepancies still existed with respect to lots "K", "N", and "R", the discrepancies noted having been brought to the attention of the Regional Technical Director, Land Management Sector [now, Bureau (*LMB*)], Region IV, Manila. The Motion was subsequently granted in the Order^[22] dated January 18, 2000, but holding the approval of the amended plan and technical description in abeyance, pending the verification/ correction of the discrepancies.

On August 18, 2000, the Heirs of Caluma filed a Motion^[23] for Issuance of final Decree of Registration, praying that the LRA be directed to issue a final decree of

registration covering lot "A", with an area of 269,694 square meters, since there was no more discrepancy with respect to the said lot.

In the Omnibus Order^[24] dated May 8, 2001, Pasig RTC-Branch 153 disposed of the pending incidents as follows:

WHEREFORE, premises considered, action upon:

1. The motion of the applicant for the issuance of a final decree of registration on Lot A of Plan Psu-198433 Amd.2, shall follow only after a new decision is rendered. For being issued without the required notice to the interested parties and compliance of accurate technical requirements regarding discrepancies and overlapping, the Order of December 7, 1994 is set aside. As this Court cannot render a conclusive and credible decision on an *[sic]* incomplete records, the applicant and/or the Heirs of Urbano Caluma are ordered to cause the reconstitution and/or furnished *[sic]* the Court with the complete records specifically the original copy of the application of LRC Case No. 4405 and up to July 4, 1990[,] within sixty (60) days from notice. The Court will thereafter issue appropriate Orders for purposes of reception of applicant's evidence where the interested parties will be given their day in Court, specifically the Solicitor General.
2. The Petition for Relief from Judgment and the Motion of the Adverse-Claimants to Transfer Venue are all DENIED; and
3. The Manifestation with Motion of St. Louise Realty Corporation to take judicial notice of the Decision of the Court of Appeals in G.R. No. 43780, the Deed of Absolute Sale dated March 26, 1963 and Deed of Quitclaim dated September 17, 1964 is GRANTED. At *[the]* appropriate time, the Court pursuant to Section 29 of Republic Act No. 496 as Amended by PD 1529 will require the St. Louis Realty Corporation to present the original or certified true copies of the instruments which they intend to support their claims.

SO ORDERED.

Thereafter, the Heirs of Caluma filed a Motion^[25] for Inhibition and/or Disqualification of Judge Briccio C. Ygaña; the motion was found to be a mere scrap of paper for failure of notice to the other parties and for having been filed by counsel for applicants Heirs of Caluma, Atty. Lauro Tapucar, who was disbarred on July 30, 1998; thus, the motion was merely noted in the Order^[26] dated June 18, 2001. On July 5, 2001, Atty. Lauro Tapucar reiterated^[27] his motion for the inhibition of Judge Ygaña through a "Respectful Comment".

On July 30, 2001, applicants Heirs of Caluma, through "collaborating counsel" Atty. Frederick G. Dedace, filed a Compliance^[28], attaching a certified true copy of the Application for Original Registration^[29] and a Certified True Copy of Plan Psu-198433^[30].

Acting on the "Respectful Comment" and Compliance filed by the Heirs of Caluma, Pasig RTC-Branch 153 issued an Order^[31] dated August 31, 2001, found that even with the documents attached to the Compliance, the records were still incomplete as all documents/pleadings filed prior to the April 4, 1990 motion of SLRC are not

available, such as the various pleadings of the public and private oppositors, and the Order of General Default; and that necessary documents had not been complied with, hence, not submitted, namely: (1) compliance by the Director of Forestry to the Report of Antonio Noblejas, LRA Commissioner, dated March 13, 1964, requiring the said director to submit a report on the status of the land applied for to determine whether or not the subject property or any portion thereof is covered by any patent or forest zone; (2) recommendations of Silverio Perez in the Report dated March 10, 1994; and (3) verification and correction by the Regional Director of the lots overlapping with another survey, not conforming with Plan Psu-198433, amd., and with incomplete tie line. The Compliance was not a full and complete submission; and the "Respectful Comment" reiterating the motion for inhibition, is granted; thus:

WHEREFORE, let the entire records of this case including exhibits and transcript of stenographic notes be remanded to the Office of the Clerk of Court of the Regional Trial Court of Pasig City for proper disposition.

SO ORDERED.

On October 15, 2001, the case was raffled to Pasig RTC-Branch 160^[32].

In the Order^[33] dated January 9, 2003, the RTC directed the Heirs of Caluma to comply with the Order dated May 8, 2001 while, in the Order^[34] dated January 23, 2003, the RTC ordered the Heirs of Caluma and SLRC to comment on the memorandum filed by the OSG.

On June 19, 2003, the OSG filed a Motion^[35] to dismiss due to the failure of the Heirs of Caluma to comply with the Orders dated May 8, 2001, January 9, 2003 and January 23, 2003 and for failure to appear at the hearing on June 5, 2003, despite due notice and for no justifiable cause.

SLRC filed its Comment^[36] opposing the said motion and praying that it be declared to be substituted as the rightful applicant in the instant case. The Heirs of Caluma also filed an Opposition^[37] claiming that the documents which were required to be submitted were already part of the records.

On February 23, 2004, the RTC issued the assailed Order^[38] disposing the case as follows:

WHEREFORE, in view of the foregoing, the instant case is hereby ordered DISMISSED without prejudice.

SO ORDERED.

The Heirs of Caluma and SLRC filed separate Motions for reconsideration which were, however, denied in the Order^[39] dated March 8, 2011.

ISSUE

Whether or not the RTC erred in dismissing the application for registration of title of the subject property.

THE COURT'S RULING