

FIRST DIVISION

[G.R. No. 224515, July 03, 2017]

REMEDIOS V. GEÑORGA, PETITIONER, VS. HEIRS OF JULIAN MELITON, REPRESENTED BY ROBERTO MELITON AS ATTORNEY-IN-FACT, IRENE MELITON, HENRY MELITON, ROBERTO MELITON, HAIDE * MELITON, AND MARIA FE MELITON ESPINOSA, RESPONDENTS.

DECISION

PERLAS-BERNABE, J.:

Before the Court is a Petition for Review^[1] on *certiorari* assailing the Decision^[2] dated October 7, 2015 and the Resolution^[3] dated April 12, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 103591, which affirmed the Decision^[4] dated July 28, 2014 of the Regional Trial Court (RTC) of Naga City, Branch 24 (court *a quo*) in Civil Case No. 2013-0036, directing petitioner and/or the Register of Deeds of Naga City (RD-Naga) to deliver or surrender possession of the owner's duplicate copy of Transfer Certificate of Title (TCT) No. 8027 to respondents.

The Facts

Julian Meliton (Julian), Isabel Meliton, and respondents Irene, Henry, Roberto, Haide, all surnamed Meliton, and Ma. Fe Meliton Espinosa (Ma. Fe; respondents) are the registered owners of a 227,270-square meter parcel of land, identified as Lot No. 1095-C located in Concepcion Pequeña, Naga City, covered by TCT No. 8027^[5] (subject land).^[6] Julian owns 8/14 portion of the land, while the rest of the co-owners own 1/14 each.^[7] During his lifetime, Julian sold portions of the subject land to various persons, among others, to petitioner Remedios V. Geñorga's (petitioner) husband,^[8] Gaspar Geñorga, who took possession and introduced improvements on the portions respectively sold to them.^[9]

However, Julian failed to surrender the owner's duplicate copy of TCT No. 8027 to enable the buyers, including petitioner's husband, to register their respective deeds of sale, which eventually led to the filing of a Petition^[10] for the surrender of the owner's duplicate copy of TCT No. 8027 and/or annulment thereof, and the issuance of new titles pursuant to Section 107 of Presidential Decree No. (PD) 1529^[11] before Branch 23 of the RTC of Naga City, docketed as Civil Case No. RTC '96-3526.

In a Decision^[12] dated July 17, 1998, the RTC of Naga City decided in favor of the buyers. Accordingly, it ordered the administratrix of the estate of Julian, Ma. Fe, or any of Julian's heirs or any person holding the owner's duplicate of TCT No. 8027 (holder) to surrender possession thereof to the RD-Naga; and the RD-Naga to enter on the said title the buyers' respective deeds of sale, and to issue the corresponding

certificates of title after compliance with the requirements of the law.^[13] It further held that should the holder fail or refuse to comply with the court's directive: (a) TCT No. 8027 shall be declared null and void; and (b) the RD-Naga shall issue a new certificate of title in lieu thereof, enter the deeds of sale, and issue certificates of title in favor of the buyers.^[14]

The said decision became final and executory on September 10, 2006 but remained unexecuted due to the sheriff's failure to locate and serve the writ of execution on Ma. Fe despite diligent efforts.^[15] Thus, in an Order^[16] dated October 2, 2008, the RTC declared TCT No. 8027 null and void, resulting in the issuance of a new one, bearing annotations of the buyers' adverse claims. The new owner's duplicate copy of TCT No. 8027 (subject owner's duplicate title) was given to petitioner in 2009.^[17]

On April 22, 2013, respondents filed a Complaint^[18] against petitioner before the court *a quo*, seeking the surrender of the subject owner's duplicate title with damages, docketed as Civil Case No. 2013-0036. They claimed that they are entitled to the possession thereof as registered owners, and suffered damages as a consequence of its unlawful withholding, compelling them to secure the services of counsel to protect their interests.^[19]

In her Answer,^[20] petitioner averred that she and the other buyers are in the process of completing all the requirements for the registration of the sales in their favor, and have paid the estate taxes thereon. They had likewise caused the survey of the land but the first geodetic engineer they hired to conduct the same failed to deliver his services, prompting them to file a complaint against him, and to hire another geodetic engineer. Considering that their possession of the subject owner's duplicate title was by virtue of a court decision, and for the legitimate purpose of registering the sales in their favor and the issuance of titles in their names, they should be allowed to retain possession until the completion of the requirements therefor.^[21] The said title was eventually submitted to the RD-Naga^[22] on September 13, 2013.^[23]

The RTC Ruling

In a Decision^[24] dated July 28, 2014, the RTC granted respondents' petition, and ordered petitioner and/or the RD-Naga to deliver or surrender possession of the subject owner's duplicate title to respondents, considering the long period of time that had lapsed for the annotation of the buyers' deeds of sale.^[25]

Dissatisfied, petitioner filed a motion for reconsideration^[26] which was denied in an Order^[27] dated September 11, 2014, and, thereafter, appealed to the CA, docketed as CA-G.R. CV No. 103591.

The CA Ruling

In a Decision^[28] dated October 7, 2015, the CA affirmed the RTC ruling. It noted the long length of time that had lapsed for the annotation of the buyers' deeds of sale and the issuance of the corresponding certificates of title, and found no valid and plausible reason to further withhold custody and possession of the subject

owner's duplicate title from respondents. Thus, it adjudged respondents to have the preferential right to the possession of the said title, considering that the bigger portion of the subject property belongs to them.^[29]

Petitioner moved for reconsideration^[30] but the same was denied in a Resolution^[31] dated April 12, 2016; hence, this petition.

The Issue Before the Court

The essential issue for the Court's resolution is whether or not the CA correctly affirmed the court *a quo*'s Decision directing the surrender and delivery of possession of the subject owner's duplicate title to respondents.

The Court's Ruling

The petition lacks merit.

Preliminarily, it is well to point out that the subject land was an undivided co-owned property when Julian sold different portions thereof to various persons. However, a perusal of the pertinent deeds of absolute sale^[32] reveals that definite portions of the subject land were eventually sold, and the buyers took possession and introduced improvements thereon,^[33] declared the same in their names, and paid the realty taxes thereon,^[34] all without any objection from respondents who never disputed the sales in favor of the buyers. Consequently, the Court finds that there is, in this case, a partial factual partition or termination of the co-ownership, which entitles the buyers to the segregation of their respective portions, and the issuance of new certificates of title in their names^[35] upon compliance with the requirements of law.

Section 58 of PD 1529, otherwise known as the "Property Registration Decree," provides the procedure for the registration of deeds or conveyances, and the issuance of new certificates of titles involving only certain portions of a registered land, as in this case. Said provision reads:

Section 58. *Procedure Where Conveyance Involves Portion of Land.* - If a deed or conveyance is for a part only of the land described in a certificate of title, the Register of Deeds shall not enter any transfer certificate to the grantee until a **plan of such land showing all the portions or lots into which it has been subdivided and the corresponding technical descriptions shall have been verified and approved** pursuant to Section 50 of this Decree. Meanwhile, such **deed may only be annotated by way of memorandum upon the grantor's certificate of title, original and duplicate, said memorandum to serve as a notice to third persons of the fact that certain unsegregated portion of the land described therein has been conveyed, and every certificate with such memorandum shall be effectual for the purpose of showing the grantee's title to the portion conveyed to him, pending the actual issuance of the corresponding certificate in his name.**

Upon the approval of the plan and technical descriptions, the original of