

SECOND DIVISION

[G.R. No. 202805, March 23, 2015]

**ROSARIO BANGUIS-TAMBUYAT, PETITIONER, VS. WENIFREDA
BALCOM-TAMBUYAT, RESPONDENT.**

DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] seeks to set aside the February 14, 2012 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 84954 affirming with modification the May 26, 2003 Decision^[3] of the Regional Trial Court of Malolos, Bulacan, Branch 10 in LRC Case No. P-443-99, as well as its July 26, 2012 Resolution^[4] denying petitioner's Motion for Reconsideration^[5] of the herein assailed judgment.

Factual Antecedents

Adriano M. Tambuyat (Adriano) and respondent Wenifreda Balcom-Tambuyat (Wenifreda) were married on September 16, 1965.^[6] During their marriage, Adriano acquired several real properties, including a 700-square meter parcel of land located at Barangay Muzon, San Jose del Monte, Bulacan (the subject property),^[7] which was bought on November 17, 1991.^[8] The deed of sale over the said property was signed by Adriano alone as vendee; one of the signing witnesses to the deed of sale was petitioner Rosario Banguis-Tambuyat (Banguis), who signed therein as "Rosario Banguis."^[9] When Transfer Certificate of Title No. T-145321(M) (TCT T-145321) covering the subject property was issued, however, it was made under the name of "ADRIANO M. TAMBUYAT married to ROSARIO E. BANGUIS."^[10]

All this time, petitioner Banguis remained married to Eduardo Nolasco (Nolasco). They were married on October 15, 1975, and at all times material to this case, Nolasco was alive, and his marriage to petitioner subsisted and was never annulled.^[11]

On June 7, 1998, Adriano died intestate.^[12]

On October 18, 1999, Wenifreda filed a Petition for Cancellation^[13] of TCT T-145321, which was docketed as LRC Case No. P-443-99 and assigned to Branch 10 of the Regional Trial Court of Malolos, Bulacan (Malolos RTC). She alleged therein that she was the surviving spouse of Adriano; that TCT T-145321 was erroneously registered and made in the name of "ADRIANO M. TAMBUYAT married to ROSARIO E. BANGUIS;" that per annexed Marriage Contract, Banguis was still married to Nolasco; that Banguis could not have been married to Adriano; that the issuance of the title in Banguis's name as Adriano's spouse was due to "an insidious machination

by her and the person who brokered the sale of the subject property, allegedly a cousin or relative of hers;”^[14] and that consequently, she suffered damages. Thus, Wenifreda prayed that TCT T-145321 be cancelled; that a new certificate of title be made out in Adriano’s name, with her as the spouse indicated; that Banguis be ordered to surrender her copy of TCT T-145321; and that moral and exemplary damages, attorney’s fees, and costs of litigation be adjudged in her favor.

In her Opposition^[15] to the petition for cancellation, Banguis denied specifically that the subject property was acquired by Adriano and Wenifreda during their marriage. She claimed that on the other hand, she alone bought the subject property using her personal funds; that she and Adriano were married on September 2, 1988 and thereafter lived together as a married couple; that their union produced a son, who was born on April 1, 1990; that the trial court has no jurisdiction over the petition for cancellation, which is merely a summary proceeding – considering that a thorough determination will have to be made as to whether the property is conjugal or exclusive property, and since she and Adriano have a child whose rights will be adversely affected by any judgment in the case; and that Wenifreda is guilty of forum-shopping in filing LRC Case No. P-443-99, considering that a prior similar case was already filed by her and dismissed on April 22, 1999 by Branch 76 of the Malolos RTC. Banguis prayed for the dismissal of LRC Case No. P-443-99 and to be paid moral damages and attorney’s fees by way of counterclaim.

During the course of the proceedings, the parties presented the following evidence, among others:

1. Marriage Contract of Adriano and Wenifreda;^[16]
2. Publication of Adriano’s death;^[17]
3. Social Security System (SSS) data record of Adriano indicating that Wenifreda is his spouse;^[18]
4. Barangay Council Certificate indicating that Adriano and Wenifreda were legally married and residents of No. 13 Hyacinth Road, Phase V, Pilar Village, Las Piñas City since 1981;^[19]
5. Marriage Contract of Banguis and Nolasco dated October 15, 1975;^[20]
6. Banguis’s SSS Member’s Data Change or Addition Report indicating that Banguis: a) sought to change her name from “Rosario E. Banguis” to “Rosario B. Nolasco”; b) listed Nolasco as her husband; and c) changed her civil status to “married;”^[21]
7. Banguis’s correspondence at work – Ocean East Agency Corporation (Ocean East), which was owned and operated by Adriano – in which she signed as “Rosario B. Nolasco;”^[22]
8. Banguis’s résumé on file with Ocean East, reflecting that she was married;^[23]

9. Negative Certification of Marriage issued by the Civil Registrar of Bulacan to the effect that the Civil Register does not have any record of Adriano and Banguis's marriage which was supposedly solemnized on September 2, 1988; [24]
10. Certification dated April 17, 2002 issued by Rev. Fr. Narciso Sampana, Parish Priest of St. Joseph Parish, to the effect that the parish never had a parish priest by the name of Fr. Roberto de Guzman – who is claimed to have solemnized the alleged marriage between Adriano and Banguis; [25]
11. Banguis's testimony on direct examination that she and Adriano were married on September 2, 1988; that they had a son named Adrian; that Adriano purchased the subject property on November 17, 1991 per Deed of Sale – executed in Manila and with Adriano as the purchaser – entered as "Document No. 173; Page No. 3550; series of 1990" in the notarial registry of Mr. Julian B. Tubig; that she paid for the same with her own money; and that she stayed at the subject property each Friday night up to Sunday night; [26]
12. Banguis's testimony on cross-examination that she is married to Nolasco, who is still alive; that her marriage to the latter is still subsisting and has not been annulled; and that she knew that Adriano was married to someone else; [27]
13. Photographs depicting Adriano and Banguis as a couple and with a child, supposedly taken at the subject property. [28]

On May 26, 2003, the Malolos RTC rendered its Decision, decreeing thus:

WHEREFORE, premises considered, judgment is hereby RENDERED in favor of the petitioner herein, as follows:

1. Directing the Register of Deeds of Meycauayan, Bulacan to cancel TCT No. T-145321 (M) and in lieu thereof to issue a new certificate of title in the name of Adriano M. Tambuyat married to Wenifreda "Winnie" Balcom Tambuyat;
2. Directing the defendant Rosario Banguis Nolasco of 1714 Ibarra St., Sampaloc, Manila to surrender to the Register of Deeds for Meycauayan, Bulacan, the owner's duplicate copy of TCT No. T-145321 (M) within five (5) days from receipt of the order, failing which the Register of Deeds should proceed with the cancellation of said TCT.
3. Directing defendant Rosario Banguis Nolasco to pay petitioner the sum of P100,000.00 as and by way of moral damages.
4. Directing defendant Rosario Banguis Nolasco to pay petitioner the sum of P100,000.00 as and by way of exemplary damages; and
5. Directing defendant Rosario Banguis Nolasco to pay petitioner attorney's fees in the amount of P100,000.00, and the cost of suit.

Accordingly, the counterclaim of the oppositor is hereby DISMISSED for lack of merit.

SO ORDERED.^[29]

In arriving at the above pronouncement, the trial court held among others that under Section 112 of Act No. 496 or the Land Registration Act – now Section 108 of Presidential Decree No. 1529 (PD 1529) or the Property Registration Decree^[30] – court authorization is required for any alteration or amendment of a certificate of title when any error, omission or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate, or when there is reasonable ground for the amendment or alteration of the title; that it has been established that Wenifreda is the surviving spouse of Adriano, and the subject property was acquired during their marriage, but it was erroneously registered in the name of another; that Banguis had a subsisting marriage with Nolasco when TCT T-145321 was issued with her being erroneously included and referred to therein as Adriano's spouse; that Adrian's filiation may not be proved collaterally through LRC Case No. P-443-99; that Wenifreda is entitled to an award of moral and exemplary damages without proof of pecuniary loss, for the damage caused upon her reputation and social standing caused by the wanton, fraudulent, malicious and unwarranted inclusion of Banguis's name in the title; and that Wenifreda is likewise entitled to attorney's fees as she was compelled to litigate and incur expenses to protect her interests by reason of Banguis's unjustified act.

Ruling of the Court of Appeals

Petitioner appealed the trial court's Decision with the CA. Docketed as CA-G.R. CV No. 84954, the appeal basically revolved around the thesis that the trial court erred in applying Section 108 of PD 1529; that with the serious objections raised by Banguis and considering that she is the actual owner and possessor of the subject property, a proper action in a different court exercising general jurisdiction should be filed, rather than in the current trial court which sits merely as a land registration court; that the trial court disregarded Article 148 of the Family Code^[31] which provides for the division of properties acquired by individuals united in a defective marriage; that the trial court erred in awarding damages, attorney's fees and costs of suit; that the trial court erred in granting execution pending appeal despite the absence of any good or special reasons; and that the denial of her counterclaim was improper.^[32]

Meanwhile, on October 30, 2003, Wenifreda moved for execution pending appeal. It appears that Banguis failed to oppose the motion; she did not appear during the scheduled hearings on the motion as well. As a result, the trial court issued a March 30, 2004 Order directing the issuance of a Writ of Execution. Such writ was thus issued on April 14, 2004. TCT T-145321 was cancelled, and a new title – TCT T-433713(M) – was issued in its place.

On February 14, 2012, the CA issued the assailed Decision containing the following decretal portion:

WHEREFORE, the appeal is PARTIALLY GRANTED. The assailed Decision dated May 26, 2003 issued by the Regional Trial Court, Branch 10 of Malolos, Bulacan is AFFIRMED with the modification that the award of moral and exemplary damages, attorney's fees and cost of the suit in favor of Wenifreda Tambuyat is hereby deleted.

SO ORDERED.^[33]

The CA sustained the trial court's application of Section 108 of PD 1529, noting that Banguis's name was included in TCT T-145321 by error or mistake. It held that the evidence adduced proved that Wenifreda – and not Banguis – is the lawful wife of Adriano; that there is a valid and subsisting marriage between Nolasco and Banguis, and the latter admitted to such fact during the course of the proceedings in the trial court; and that Banguis's opposition to Wenifreda's petition for cancellation of TCT T-145321 is not real and genuine as to place the latter's title to the subject property in doubt.^[34]

The CA added that contrary to Banguis's position, a separate and different proceeding is not necessary to resolve her opposition to the petition in LRC Case No. P-443-99, as: 1) she in effect acquiesced and freely submitted her issues and concerns to the trial court for complete determination, submitting all her relevant documentary and other evidence to the court in order to prove her allegations – particularly that she is the lawful spouse of Adriano and that she is the actual owner and possessor of the subject property; and 2) pursuant to law^[35] and jurisprudence,^[36] the distinction between the trial court sitting as a land registration court and as a court of general jurisdiction has been eliminated with the passage of PD 1529. It held further that, based on the evidence adduced, Adriano and Banguis are not co-owners of the subject property as it has been shown that: a) both of them had valid and subsisting marriages when they conducted their adulterous relations; b) Banguis failed to present even a modicum of evidence that she contributed to the purchase of the subject property; and c) the deed of sale itself indicated that Adriano alone was the vendee. Finally, in denying Wenifreda's pecuniary awards and Banguis's counterclaim, the CA held that the parties are not entitled thereto as there is no legal and factual basis to grant them.

Banguis moved for reconsideration, but in a July 26, 2012 Resolution, the CA was unconvinced. Hence, the present Petition.

Issues

Banguis cites the following issues for resolution:

- I. THE COURT OF APPEALS GROSSLY ERRED IN SUSTAINING THE RTC WHICH CANCELLED AND CORRECTED THE QUESTIONED ENTRY IN TCT NO. T-145321 (M) FROM "ROSARIO E. BANGUIS" TO "WENIFREDA 'WINNIE' BALCOM TAMBUYAT" UNDER SECTION 108 OF THE PROPERTY REGISTRATION DECREE DESPITE THE LACK OF JURISDICTION TO HEAR THE SAME IN VIEW OF THE SERIOUS AND WEIGHTY OBJECTIONS OF THE PETITIONER AND THAT THE INSTITUTION OF ESTATE PROCEEDINGS OF THE LATE ADRIANO M.