

## SECOND DIVISION

**[ G.R. NO. 149238, November 22, 2007 ]**

**SIXTO ANTONIO, PETITIONER, VS. SPS. SOFRONIO SANTOS & AURORA SANTOS, SPS. LUIS LIBERATO & ANGELINA LIBERATO AND SPS. MARIO CRUZ & VICTORIA CRUZ, RESPONDENTS.**

### RESOLUTION

**QUISUMBING, J.:**

This is an appeal from the Decision<sup>[1]</sup> dated July 31, 2001 of the Court of Appeals in CA-G.R. CV No. 58246, affirming, with modification, the Decision<sup>[2]</sup> dated October 7, 1997 of Branch 72, Regional Trial Court (RTC) in Antipolo, Rizal in Civil Case No. 1261-A. The RTC had dismissed the complaint for Reconveyance, Annulment of Title and Damages filed by petitioner Sixto Antonio against respondents.

The antecedent facts, culled from the records, are as follows:

On September 19, 1988, petitioner Sixto Antonio filed before Branch 72, RTC, Antipolo, Rizal, a complaint for Reconveyance, Annulment of Title and Damages against respondents spouses Sofronio and Aurora Santos, Luis and Angelina Liberato, and Mario and Victoria Cruz. The complaint was docketed as Civil Case No. 1261-A.

In his complaint,<sup>[3]</sup> Antonio alleged that he is the absolute owner of a 13,159-square meter parcel of land denominated as Lot No. 11703, CAD 688-D, Cainta-Taytay Cadastre, situated in Barangay San Juan, Cainta, Rizal. He averred that, as evidenced by certificates of payment of realty taxes for the years 1918 and 1919, the property was previously owned by his father and that in 1984, he filed before Branch 71, RTC, Antipolo, Rizal, an application for the registration of two parcels of land, one of which was Lot No. 11703, CAD 688-D, situated in Barangay San Juan, Cainta, Rizal. His application was docketed as Land Registration Case No. 142-A (LRC No. 142-A).

Although the RTC, Branch 71, declared him the true and absolute owner in fee simple of the two parcels of land he applied for, it set aside its decision with respect to Lot No. 11703, CAD 688-D in an Order dated August 21, 1986, to avoid duplication of issuance of titles.

Antonio said that after investigation, he discovered that Lot No. 11703, CAD 688-D was already titled in the name of respondents. He then filed the complaint for Reconveyance, Annulment of Title and Damages against respondents, averring that respondents committed fraud in their application for titling because they made it appear in their application for registration that the subject property was located in Pinagbuhatan, Pasig, Rizal, when in fact, the property is located in Barangay San Juan, Cainta, Rizal. He added, respondents also made it appear in their application

for registration that the subject property is bound on the North East by the Pasig River when in fact it is bound on the North East by the Tapayan River. Furthermore, the Pasig River does not traverse any portion of the jurisdiction of Cainta, Rizal. He argued that Original Certificate of Title No. 108 (OCT No. 108) in respondents' names, insofar as it included Lot No. 11703, CAD 688-D, is, therefore, null and void because it was obtained through fraudulent misrepresentations and machinations.

In their Answer<sup>[4]</sup> dated July 26, 1989, respondents averred that OCT No. 108 was duly issued to them by the Register of Deeds for Metro Manila, District II, on May 20, 1977. They alleged that prior to the issuance of OCT No. 108, they, as registered owners, had always been in peaceful possession of the property and at no time had Antonio possessed the property, nor did he ever make any claim against the said property.

The RTC of Antipolo, Rizal, Branch 72, in a Decision dated October 7, 1997 dismissed the complaint and ordered Antonio to pay respondents moral damages and attorney's fees. The dispositive portion of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the instant complaint, and orders plaintiff as follows:

1. To pay defendants Sofronio Santos, Aurora Santos, Sps. Luis Liberato and Angelina Santos, the amount of P100,000.00 each, by way of moral damages;
2. To pay defendants the amount of P60,000.00, by way of attorney's fees, and costs of suit.

SO ORDERED.<sup>[5]</sup>

The Court of Appeals in a Decision dated July 31, 2001 affirmed with modification the abovementioned decision by deleting the award of moral damages and attorney's fees. The dispositive portion of the decision of the Court of Appeals states:

**WHEREFORE**, with modification deleting [or] setting aside the award for moral damages and attorney's fees, the decision appealed from is **AFFIRMED** with costs against the plaintiff-appellant.

**SO ORDERED.**<sup>[6]</sup>

Hence, the instant petition, raising the following issues:

I.

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN NOT HOLDING THAT THE DECISION IN LAND REGISTRATION CASE NO. 142-A, LRC RECORD NO. 58707, REGIONAL TRIAL COURT OF ANTIPOLO CITY, BRANCH 71, IS SUFFICIENT BASIS OF PETITIONER'S CLAIM OF RIGHT OF OWNERSHIP OVER THE PROPERTY SUBJECT OF ACTION FOR RECONVEYANCE.

II.

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN TREATING PETITIONER'S ACTION FOR RECONVEYANCE AS ONE FOR TITLING OF A PARCEL OF LAND.

III.

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN NOT HOLDING THAT RESPONDENTS HAVE FRAUDULENTLY REGISTERED AND TITLED SUBJECT PROPERTY IN THEIR NAMES.

IV.

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN HOLDING THAT RESPONDENTS' MOTHER ACQUIRED SUBJECT PROPERTY FROM HER FATHER, GAVINO SANTOS, WHICH THE LATTER ALLEGEDLY PURCHASED FROM LADISLAO RIVERA.

V.

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN AFFIRMING THE DECISION OF THE COURT A QUO DISMISSING PETITIONER'S ACTION FOR RECONVEYANCE.<sup>[7]</sup>

Simply put, the issues raised are: (1) Did the Court of Appeals err in not holding that the decision in LRC No. 142-A was sufficient basis of petitioner's claim of ownership over the subject property? (2) Did the Court of Appeals and RTC erroneously treat petitioner's action for reconveyance as one for titling of a parcel of land? (3) Did respondents fraudulently title the subject property in their names? (4) Did the Court of Appeals err in finding that respondents' mother acquired the subject property from her father, Gavino Santos, who purchased it from Ladislao Rivera? and (5) Did the Court of Appeals err in affirming the decision of the RTC dismissing petitioner's action for reconveyance?

Petitioner argues that the Court of Appeals erred in not holding that the decision in LRC No. 142-A is sufficient basis for his claim of ownership over the property; in treating his action for reconveyance as one for titling; in not holding that respondents had fraudulently registered the property in their names; and in holding that respondents' mother had acquired the subject property from her father, Gavino Santos, who allegedly bought the property from Ladislao Rivera.

Respondents, on the other hand, in their Comments,<sup>[8]</sup> contend that they have proved they have a better title to the property. They argue that petitioner's attempt to register Lot No. 11703, CAD 688-D in his name is tainted with fraud, and that petitioner had failed to adduce any evidence of fraud on their part. They assert that their documentary and testimonial evidence which were unrebutted by petitioner show original ownership of the land by Ladislao Rivera from whom their grandfather bought the property.

After serious consideration, we find that petitioner's arguments lack merit.

On the first issue, petitioner argues that in LRC No. 142-A, the RTC of Antipolo,