

FIRST DIVISION

[G.R. No. 91486, January 19, 2001]

ALBERTO G. PINLAC, ATTY. ERIBERTO H. DECENA, RODOLFO F. REYES, FELIPE BRIONES, JUANITO METILLA, JR., FELIPE A. FLORES, HERMINIO ELEVADO, NARCISO S. SIMEROS, PETITIONERS, VS. COURT OF APPEALS, ATTY. CORAZON A. MERRERA, ATTY. JEAN MAKASIAR-PUNO, SERGIO ACABAN, REPRESENTED BY ATTY. RAMON GERONA, ATTY. ROGELIO VELASCO, MARTINA S. NONA, OVIDEO MEJICA, ALFREDO ITALIA, MARIANO GUEVARRA, JESUS YUJUICO, DOMINADOR RIVERA, SATURNINA SALES, REPRESENTED BY ATTY. CONSOLACION SALES-DEMONTANO, FRED CHUA, SONIA SY CHUA, LAWRENCE CHUA, CAROLINA C. RUBIO, REPRESENTED BY TESSIE SEBASTIAN, GEORGE G. GUERRERO, BEATRIZ TANTOCO, REPRESENTED BY FILOMENA CERVANTES, ATTY. MARCELA CELESTINO-GARCIA, FEDERICO GARCIA, ILDEFONSO MORALES, LEONCIA VELASCO, OCRAVIO F. LINA, ANA MARIA JARAMILLO, ESTRELLA BASA, JOSE ESTEVA, JR., CIRILO GONZALES, VILLY TOBIAS, MIGUEL DELA PAZ, RUBEN GUILLERMO, FAUSTO YADAO, REPRESENTED BY JEREMIAS PANLILIO, RICARDO YAP, ROSAURO/PATRICK MARQUEZ, REPRESENTED BY EMMANUEL MARQUEZ, MODESTA FABRIG AND MAXIMINO SALCEDA, MELIA LATOMBO, TERESITA PANGILINAN-RIVERO, ARCH. DANILO C. DE CASTRO, JOSE S. LEDESMA, JAIME P. ANG, VEICENTE P. ANG, MAURO U. GABRIEL, ATTY. VIRGINIA GOMEZ, GIL S. BONILLA, LOURDES BLANCO, REPRESENTED BY CATALINA BLANCO, JOSEFA SANCHEZ AND ROSALINA VILLEGAS, REPRESENTED BY HEIDI BOBIS, SHIRLEY BUCAG, QUIRINA O. TUVERA, REPRESENTED BY WILFREDO OREJUROS, GREGORIO AVENTINO, REPRESENTED BY ENRICO AVENTINO, LEONARDO L. NICOLAS, NICOMEDES PENARANDA, FRANCISCA MEDRANO, OFELIA IGNACIO, ROSENDO ABUBO, REPRESENTED BY SANTOS CHAVEZ, SOLEDAD BAUTISTA DE COLUMNA, REPRESENTED BY ZENAIDA VALLE, MARQUITA/ SEBASTIAN LOPEZ, REPRESENTED BY EMMANUEL MARQUEZ, DELIA DORION, GERARDO L. SANTIAGO, FIDEL PANGANIBAN, REPRESENTED BY MANUEL DELA ROCA, MATEO AND OFELIA INOVEJAS, REMEDIOS C. DOVAS, REPRESENTED BY JOSEFA CAPISTRANO, DOMINGO ALTAMIRANO AND SPOUSES ROLANDO ALTAMIRANO AND MINERVA FETALVERO, BEATRIZ RINGPIS, ROSARIO DE MATA, RUFINA CRUZ, REPRESENTED BY JOSEFA MANABAT, SPOUSES ANITA SALONGA-CAPAGCUAN AND MAYNARD CAPAGCUAN, DISCORA YATCO, REPRESENTED BY VICTORINA Y. FIRME, AND CONSUELO YATCO, GENEROSA MEDINA VDA. DE NOGUERA, REPRESENTED BY ATTY. RAYMUNDO M. NOGUERA, BEATRIZ SALANDANAN AND LOURDES ALONTE-VASQUEZ, PEDRO COSIO AND VICTORINA

**CARINO, RUTH C. ZARATE, PRECIOSISIMA V. YAPCHULAY,
BASILISA B. YAPCHULAY, OFELIA B. YAPCHULAY, FELISA B.
YAPCHULAY, FE B. YAPCHULAY, WILMA B. YAPCHULAY, FELIX B.
YAPCHULAY, MARIANO B. YAPCHULAY, GEN. ALFREDO LIM, AND
OTHER REGISTERED OWNERS OF VILAR-MALOLES (VILMA)
SUBDIVISION, RESPONDENTS.**

D E C I S I O N

YNARES-SANTIAGO, J.:

The instant case springs from a contentious and protracted dispute over a sizeable piece of real property situated in what is now known as Old Balara, Sitio Veterans, Barrio Payatas and Silangan, all of Quezon City. There are numerous claimants, titled and untitled alike, each either pressing to own a piece of it, or striving to protect one's right as a titled owner.

Petitioners herein are World War II veterans, their dependents and successors-in-interest. Together, they filed a class suit primarily for Quieting of Title before the Regional Trial Court of Quezon City, Branch 83, where it was docketed as Civil Case No. Q-35672. In particular, petitioners claimed that the real property, which has an aggregate area of 502 hectares, were part of forest lands belonging to the government; that they and their predecessors-in-interest have occupied said property continuously, adversely, and exclusively for more than thirty (30) years; and that they have accordingly filed applications for land titling in their respective names with the appropriate government agency.

While petitioners claim that the land in dispute was part of the public domain, they named as respondents several persons and corporations who are titled owners of subdivided parcels of land within the subject property. One of those so impleaded as a party-respondent was the Vil-Ma Maloles Subdivision (hereinafter, Vil-Ma). The individual lot owners of the said subdivision, however, were not specifically named. Since personal service of summons could not be effected on Vil-Ma and some of the other named respondents, petitioners moved for leave of court to serve summons by publication which was granted. Accordingly, the summons was published in the "Metropolitan Newsweek", a periodical edited and published in the City of Caloocan and Malolos, Bulacan.^[1]

Some of the named respondents filed their respective responsive pleadings, while the others, including Vil-Ma, failed to answer, and were thus declared in default. Consequently, petitioners were allowed to present evidence *ex parte* against the defaulted respondents. The court a quo found the following facts to be conclusive:

(T)hat the case involves three parcel of lands, to wit: Lot 1 & 2 situated at the Old Balara, Diliman, Quezon City and Lot 3 situated at Sitio Veterans, Barrio Payatas and Silangan, Quezon City containing an aggregate area of 502 hectares more or less; that Lot 1 is covered by TCT No. 5690 in the name of defaulted respondent Jose V. Bagtas, which title emanated from TCT No. 48546 in the name of Emiliana Vda. De Vera Cruz which contains an actual area of only 294.6 sq. meters, but, when said TCT No. 5690 was issued the same was illegally and fraudulently expanded to cover 23.5767 hectares through fraudulent resurveys

without proper judicial proceedings; that on said illegally expanded area of TCT No. 5690 in the name of respondent Jose V. Bagtas, more than 363 transfer certificates of title were subsequently issued including those belonging to some of the defaulted respondents thereof; that TCT No. 5690 contains no technical description on its face; that Lot 2 is covered by TCT No. 3548 in the name of Eustacio Maloles married to Soledad Villegas and Vicente B. Vilar doing business under the name and style of defaulted respondent Vilma Maloles Subdivision Inc., which title was derived from TCT No. 33531 in the name of Oscar L. Uy which in turn came from TCT No. 26285 in the name of Maria Lim which was immediately derived from OCT No. 614 which contains no technical description on its face, that TCT No. 3548 likewise contains no technical description on its face; that however, on the face of TCT No. 33531 of Oscar L. Uy from which TCT No. 3548 of defaulted respondent Vilma Maloles Subdivision Inc., was derived, it appears that said TCT No. 33531 was cancelled by another title, TCT No. 1713 and not by TCT No. 3548, the supposed derivative thereof, which title, from the foregoing facts, seems to have come from nowhere considering that no document could be produced by the representative of the Register of Deeds of Pasig, relative to the origin of the aforesaid title and which register of deeds has jurisdiction over the same; that from this spurious and fraudulent TCT No. 3548 which contains no technical description on its face, numerous TCTs were subsequently issued, some of which belong to the defaulted respondents hereof, that despite the issuance has not been cancelled by the Register of Deeds of Quezon City; that Lot 3 was originally covered by OCT No. 333 from which 846 questionable TCTs emanated and issued by the Register of Deeds of Quezon City perpetrated and made possible by the illegal expansion of the actual area thereof from 4,574 Sq. Meters, more or less, to 407,3875 (sic) hectares without proper judicial proceedings; that as an example of the fraud perpetrated by respondents, TCT No. 26205 covers a lot situated at Barrio Ermitaño, San Juan del Monte, TCT No. 26287 covers a lot located at Barrio Talipapa, Novaliches, TCT No. 33531 covers a lot located at the District of Cubao. TCT No. 47705 covers a lot situated at Barrio San Francisco, San Juan, TCT No. 133770 covers a lot located at San Bartolome, Caloocan City, TCT No. 45741 covers a lot located at San Francisco del Monte, San Juan, TCT No. 45636 covers a lot located at the municipality of San Juan, TCT No. 19-6370 covers a lot located at Kamuning District, TCT No. 188447 covers a lot located at San Francisco del Monte with a different mother title, OCT No. 515, TCT No. (22092) – 61850 covers a lot located at Tala Estate Caloocan City, TCT No. 14645 covers lot located at Kamuning District and TCT No. 14692 covers a lot located at Bo. San Isidro, Caloocan City, yet these TCTs were utilized by some people to claim an area located inside the litigated premises despite the fact that their technical descriptions, as aforementioned, are different from the lands being sought to be covered therewith; that Lots 1, 2 & 3 have been under the possession of petitioners for a continuous, public, open, & uninterrupted period of 30 years through World War II Veterans Legionnaires of the Philippines, Inc., by the principle of tacking possession; that the Bureau of Forest Development has certified that Lots 1, 2 & 3 are part of public forest belonging to the government not yet certified for disposition and alienation; that the Bureau of Forest

Development knew and encouraged petitioner's occupancy and possession of said lots as in fact ordinary residential permits were issued by said agency to some of herein petitioners and even helped in petitioners' acquisition of electrical facilities from the MERALCO.^[2]

Resolving the sole issue of whether or not petitioners were entitled to the land they occupy and possess, even when said land was allegedly part of unclassified public forest land and yet covered by transfer certificates of title in the names of the defaulted respondents, the court *a quo* rendered a Partial Decision in favor of petitioners, based on the following disquisition:

First, because as established from the foregoing facts, OCT No. 614, TCT No. 5690, TCT No. 3548 covering Lots 1 & 2 of the disputed land, not having technical descriptions appearing on their respective face, clearly are null and void by reason thereof. This is because "a torrens title is the certificate of ownership issued under the Register of Deeds naming and declaring the owner in fee simple of the real property DESCRIBED therein, free from all liens and encumbrances except such as maybe expressly noted thereon or otherwise reserved by law." (Philippine National Bank vs. Tan Ong Zse, 51 Phil. 317). Without any technical description a title is fictitious and the mere issuance thereof is fraudulent. Such being the case, it follows that none of the title holders subsequently issued out of said void titles could say that he or she is an innocent purchaser for value. For in the case at bar, there are really no rights that could be transferred to them since even the titles of those supposed owners thereof originally are themselves fictitious. x x x Second, because although the Bureau of Forest Development maintains, as in fact, it certified that Lots 1, 2 & 3 are part of the unclassified public forest land of the government, and therefore, are not susceptible of private appropriation, still, due to the established fact that the lots involved are under the present occupancy and possession of petitioners with the knowledge and tolerance of the Bureau of Forest Development, the true and real nature of said lands as being public forest has become highly dubious and in the opinion of this Court could not overcome the presumption that said lands are agricultural. For "the mere fact that a tract of land has trees upon it or has mineral wealth within it, is not of itself sufficient to declare that one is forest land and the other mineral land. There must be some proof of the extent as well as of the present or future value of the land as forest or mineral. It must be shown that the land is more valuable for the forestry or the minerals which it contains than it is for agricultural purposes. Land may be classified as forest or mineral today and after the exhaustion of the timber or minerals contained therein may be classified as agricultural land tomorrow. Hence, in case of doubt and considering that it is a matter of public knowledge that a majority of the lands in the Philippines are agricultural lands, it was rightly held that in the absence of evidence to the contrary any land may be presumed to be agricultural." And that being the case, it is clear that petitioners have acquired legally a title over Lots 1, 2 & 3 of this case through extra-ordinary prescription of thirty (30) years of continuous, public, open and uninterrupted possession thereof, the lands being agricultural and, thus, are susceptible of private ownership by petitioners.

WHEREFORE, premises considered, judgment is hereby rendered in favor of petitioners and against the defaulted respondents:

1) Declaring petitioners through the principal petitioners hereof, to wit: Alberto G. Pinlac, Atty. Eriberto H. Decena, Rodolfo T. Reyes, Felipe Briones and Juanito S. Metilla as absolute owners in fee simple title of the aforesaid Lots 1, 2 & 3 hereof by virtue of extra-ordinary prescription, with the exception of the lands covered by the respective transfer certificate of title belonging to the non-defaulted respondents;

2) Declaring Original Certificate of Title No. 614, TCT No. 5690 and TCT No. 3548 of the Register of Deeds of Quezon City, and the subsequent TCTs issued therefrom, with the exception of those titles belonging to the non-defaulted respondents, as null and void ab initio;

3) Ordering the Register of Deeds of Quezon City to cancel OCT No. 614, TCT No. 5690 and TCT No. 3548 as well as the subsequent TCTs issued and emanating therefrom, with the exception of those titles belonging to the non-defaulted respondents, from its record;

4) Declaring the area of TCT No. 333 in excess of its true and actual area of 4,574 Sq. Meters, as well as the TCTs subsequently issued by the Register of Deeds of Quezon City, covering the area in excess of said actual area, with the exception of those belonging to non-defaulted respondents, as null and void ab initio;

5) Ordering the Register of Deeds of Quezon City to cancel all TCTs subsequently issued based on OCT No. 333 in excess of the actual area of 4,574 Sq. Meters, with the exception of those titles belonging to the non-defaulted respondents;

6) Declaring the writ of preliminary injunction dated August 7, 1985, in so far as those areas covered by the cancelled OCTs and TCTs hereof are concerned, as permanent;

7) Ordering the Register of Deeds of Quezon City to issue herein petitioners the corresponding individual transfer certificate of titles upon proper application made thereof.

SO ORDERED.^[3]

On May 17, 1989, or exactly one (1) year and fifty-seven (57) days after the above-quoted judgment by default was rendered, a Petition for Annulment of Judgment with Certiorari, Prohibition and Mandamus^[4] was brought before the Court of Appeals by the titled owners of the subdivided lots within Vil-Ma. They assailed the default judgment which nullified all their titles, arguing that the court a quo had no jurisdiction over them and their respective titled properties. They also alleged that they only came to know of the adverse judgment when petitioners sought the execution of the judgment by attempting to dispossess some of the titled owners of the lots and making formal demands for them to vacate their respective properties.