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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REMEDIOS V. GEÑORGA,
Petitioner,

G.R. No. 224515

- versus -

Present:
SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
DEL CASTILLO,
PERLAS-BERNABE, and
CAGUIOA, JJ.

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,

Promulgated:

Respondents.

JUL 03 2017

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DECISION

PERLAS-BERNABE, J.:

Before the Court is a Petition for Review¹ on *certiorari* assailing the Decision² dated October 7, 2015 and the Resolution³ dated April 12, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 103591, which affirmed the Decision⁴ 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.

* Haidi in some portions of the records.

¹ *Rollo*, pp. 5-14.

² *Id.* at 15-21. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Ramon A. Cruz and Melchor Quirino C. Sadang concurring.

³ *Id.* at 22-23.

⁴ *Id.* at 158-162. Penned by Presiding Judge Bernhard B. Beltran.

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. 8027⁵ (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 Petition¹⁰ 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) 1529¹¹ before Branch 23 of the RTC of Naga City, docketed as Civil Case No. RTC '96-3526.

In a Decision¹² 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 Order¹⁶

⁵ Records, pp. 302-333.

⁶ See also Exhibit "F", Folder of Exhibits in Civil Case No. 96-3526.

⁷ Records, p. 303.

⁸ See *rollo*, pp. 16, 101. See also Deed of Absolute Sale dated June 19, 1978; *id.* at 55.

⁹ *Id.* at 58.

¹⁰ Dated March 18, 1996. *Id.* at 56-61.

¹¹ Entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES," otherwise known as the "PROPERTY REGISTRATION DECREE" (June 11, 1978).

¹² *Rollo*, pp. 99-103; records of Civil Case No. RTC '96-3526, pp. 89-94. Penned by Judge Ernesto A. Miguel.

¹³ *Rollo*, pp. 102-103.

¹⁴ *Id.* at 103.

¹⁵ *Id.* at 105.

¹⁶ *Id.* at 105-106. Issued by Presiding Judge Valentin E. Pura, Jr.

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 Complaint¹⁸ 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-Naga²² on September 13, 2013.²³

The RTC Ruling

In a Decision²⁴ 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 reconsideration²⁶ which was denied in an Order²⁷ dated September 11, 2014, and, thereafter, appealed to the CA, docketed as CA-G.R. CV No. 103591.

¹⁷ Id. at 7 and 17.

¹⁸ Dated April 8, 2013. Id. at 24-29.

¹⁹ Id. at 27-28.

²⁰ Dated May 30, 2013. Id. at 32-38.

²¹ See id. at 34-36.

²² Id. at 17.

²³ See id. at 48 and 127.

²⁴ Id. at 158-162.

²⁵ See id. at 161-162.

²⁶ Dated August 11, 2014. See id. at 163-166.

²⁷ Id. at 167-169.

The CA Ruling

In a Decision²⁸ 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 reconsideration³⁰ but the same was denied in a Resolution³¹ 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 sale³² 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 names³⁵ 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

²⁸ Id. at 15-21.

²⁹ Id. at 19-20.

³⁰ Dated November 5, 2015. See id. at 193-195.

³¹ Id. at 22-23.

³² Id. at 55, 131, 133, 135, 137, 139, 141, 143, 145, 149, and 151.

³³ Id. at 59.

³⁴ See Folder of Exhibits in Civil Case No. 96-3526.

³⁵ See *Pamplona v. Moreto*, 185 Phil. 556, 564-566 (1980).

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 the plan, together with a certified copy of the technical descriptions shall be filed with the Register of Deeds for annotation in the corresponding certificate of title and thereupon said officer shall issue a new certificate of title to the grantee for the portion conveyed, and at the same time cancel the grantor's certificate partially with respect only to said portion conveyed, or, if the grantor so desires, his certificate may be cancelled totally and a new one issued to him describing therein the remaining portion: Provided, however, that **pending approval of said plan, no further registration or annotation of any subsequent deed or other voluntary instrument involving the unsegregated portion conveyed shall be effected by the Register of Deeds**, except where such unsegregated portion was purchased from the Government or any of its instrumentalities. If the land has been subdivided into several lots, designated by numbers or letters, the Register of Deeds may, if desired by the grantor, instead of cancelling the latter's certificate and issuing a new one to the same for the remaining unconveyed lots, enter on said certificate and on its owner's duplicate a memorandum of such deed of conveyance and of the issuance of the transfer certificate to the grantee for the lot or lots thus conveyed, and that the grantor's certificate is canceled as to such lot or lots. (Emphases supplied)

In this relation, Section 53³⁶ of PD 1529 requires the presentation of the owner's duplicate title for the annotation of deeds of sale.

Records show that the subject owner's duplicate title had already been surrendered to the RD-Naga on September 13, 2013, and some of the buyers had secured Certificates Authorizing Registration³⁷ and paid the

³⁶ Section 53. *Presentation of Owner's Duplicate Upon Entry of New Certificate.* — **No voluntary instrument shall be registered by the Register of Deeds, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this Decree or upon order of the court, for cause shown.**

The production of the owner's duplicate certificate, whenever any voluntary instrument is presented for registration, shall be conclusive authority from the registered owner to the Register of Deeds to enter a new certificate or to make a memorandum of registration in accordance with such instrument and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchases for value and in good faith.

x x x x (Emphases supplied)

³⁷ *Rollo*, pp. 130, 132, 134, 136, 138, 140, 142, 144, and 148.

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corresponding fees³⁸ for the registration of the sales in their favor. Nonetheless, while the rights of the buyers over the portions respectively sold to them had already been recognized by the RTC of Naga City in its July 17, 1998 Decision in Civil Case No. RTC '96-3526 which had attained finality on September 10, 2006,³⁹ there is no showing that the other affected buyers have similarly complied with the necessary registration requirements.

Notably, from the time petitioner received possession of the subject owner's duplicate title in 2009, a considerable amount of time had passed until she submitted the same to the RD-Naga on September 13, 2013. But even up to the time she filed the instant petition before the Court on May 6, 2016,⁴⁰ she failed to show any sufficient justification for the continued failure of the concerned buyers to comply with the requirements for the registration of their respective deeds of sale and the issuance of certificates of title in their names to warrant a preferential right to the possession of the subject owner's duplicate title as against respondents who undisputedly own the bigger portion of the subject land. Consequently, the Court finds no reversible error on the part of the CA in affirming the RTC Decision directing petitioner or the RD-Naga to deliver or surrender the subject owner's duplicate title to respondents.

Moreover, it bears to stress that the function of a Register of Deeds with reference to the registration of deeds is only ministerial in nature.⁴¹ Thus, the RD-Naga cannot be expected to retain possession of the subject owner's duplicate title longer than what is reasonable to perform its duty. In the absence of a verified and approved subdivision plan and technical description duly submitted for registration on TCT No. 8027, it must return the same to the presenter, in this case, petitioner who, as aforesaid, failed to establish a better right to the possession of the said owner's duplicate title as against respondents.

As a final point, it must, however, be clarified that the above-pronounced delivery or surrender is without prejudice to the rights of the concerned buyers who would be able to subsequently complete the necessary registration requirements and thereupon, duly request the surrender of the subject owner's duplicate title anew to the RD-Naga.

WHEREFORE, the petition is **DENIED**. The Decision dated October 7, 2015 and the Resolution dated April 12, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 103591 are **AFFIRMED**. Petitioner Remedios V. Geñorga or the Register of Deeds of Naga City is hereby **DIRECTED** to deliver or surrender the owner's duplicate copy of Transfer Certificate of Title No. 8027 to respondents Heirs of Julian Meliton, through

³⁸ Id. at 126.

³⁹ Id. at 105.


⁴⁰ The Petition was posted on May 6, 2016. Id. at 5.

⁴¹ See *Baranda v. Gustilo*, 248 Phil. 205, 219 (1988).


their attorney-in-fact, Roberto Meliton, within sixty (60) days from notice of this Decision.

Let a copy of this Decision be furnished the Register of Deeds of Naga City.

SO ORDERED.

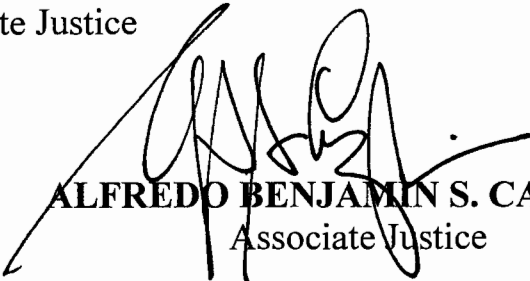

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice