



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated January 25, 2023, which reads as follows:*

**“G.R. No. 244558 (Heirs of Juan Jimenez, as represented by their Attorney-in-Fact, Bienvenido A. Jimenez, Petitioners v. Lourdes Juachon, Conchita Juachon, Alfredo Tinio, Florentino Crisologo, Rogelio Crisologo, Gigi Taylor, Ricardo Ocampo, Edgardo Ocampo, and the Register of Deeds for the Province of Nueva Ecija, Respondents).—** Assailed in this Petition for Review on *Certiorari*<sup>1</sup> are the Decision<sup>2</sup> and the Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 110124. The impugned Decision affirmed the trial court’s Decision<sup>4</sup> dismissing the Complaint<sup>5</sup> for annulment of title, reconveyance, and damages filed by petitioners Felicisima J. Lagamia, Carmelita J. Lagamia, Zenaida Jimenez, Julieta Bobadilla and Bienvenido A. Jimenez, who are the surviving children of Juan Jimenez (Heirs of Juan) against respondents Lourdes Juachon (Lourdes), Conchita Juachon (Conchita), Alfredo Tinio (Alfredo), Florentino Crisologo (Florentino), Rogelio Crisologo (Rogelio), Gigi Taylor (Gigi), Ricardo Ocampo (Ricardo), Edgardo Ocampo (Edgardo), who are the heirs of the late Petrona Angor Santos (Heirs of Petrona) and the Register of Deeds for the Province of Nueva Ecija. The challenged *Resolution* denied petitioners’ motion for reconsideration.<sup>6</sup>

The prevent facts follow.

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<sup>1</sup> *Rollo*, pp. 28–41.

<sup>2</sup> *Id.* at 12–24. The August 31, 2018 Decision was penned by Associate Justice Remedios A. Salazar-Fernando, with the concurrence of Associate Justices Franchito N. Diamante and Ma. Luisa Quijano-Padilla.

<sup>3</sup> *Id.* at 212–213. Dated January 15, 2019.

<sup>4</sup> *Id.* at 87–97. The May 9, 2017 Decision was penned by Presiding Judge Mildred S. Villaroman-Hernal of Branch 35, Regional Trial Court, Gapan City, Nueva Ecija.

<sup>5</sup> *Id.* at 48–52.

<sup>6</sup> *Id.* at 204–211.

Maintaining that the land they owned was unlawfully included in the title of the Heirs of Petrona, denominated as Transfer Certificate of Title (TCT) No. NT-177100,<sup>7</sup> the Heirs of Juan lodged a complaint for the annulment thereof, and its reconveyance as well as payments of damages.

The Heirs of Juan averred that their father, the late Juan Jimenez (Juan), purchased from Alfredo a one-third portion of Lot 669 covered by Original Certificate of Title (OCT) No. 14750, *i.e.*, 985.2 square meters of the 2,956 square meters, as evidenced by the *Bilihan ng Lupa*<sup>8</sup> executed on March 13, 1952. Immediately after the sale, they took possession of the said parcel of land. Their family occupied the property continuously, openly, adversely and notoriously in the concept of an owner, erecting thereon residential houses and one small *camarin* (warehouse). Subsequently, however, Alfredo took back from Juan OCT No. 14750 purportedly to work on the segregation of the 985.2 square meters from the rest of Lot 669.

All the same, in 2006, the Heirs of Juan learned that the 985.2 square meter-realty was unjustly included in the land title denominated as TCT No. NT-177100 issued on February 9, 1983 in the names of respondents. Clearly, the Heirs of Petrona acted in bad faith as they were already aware of the sale of the aforesaid lot by Alfredo to Juan and that they had seen them in actual physical possession thereof even before the issuance of the TCT in 1983. Thus, they wrote<sup>9</sup> to the Heirs of Petrona, demanding for the reconveyance of the disputed property, but their demand went unheeded.

For their part, Conchita, Florentino, Gigi, Rogelio, Ricardo, and Edgardo asserted that the Heirs of Juan were indeed in possession of the disputatious realty, but such was only by mere tolerance. Before the land in question was transferred in their names, its true and lawful owner was Petrona Angor Santos (Petrona) as evidenced by OCT No. 14750.<sup>10</sup> This being so, the purported *Bilihan ng Lupa* was null and void since the late Juan could not have possibly acquired the property in question from Alfredo who was not its owner.

Moreover, such sale is belied by the fact that Alfredo himself participated in the extrajudicial settlement of Petrona's estate,<sup>11</sup> which they executed as her heirs. In any case, the complaint for reconveyance of Juan's heirs should be dismissed on the ground of prescription considering that it was filed only on March 27, 2008 or more than 20 years after the title was

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<sup>7</sup> *Id.* at 57.

<sup>8</sup> *Id.* at 55–56.

<sup>9</sup> *Id.* at 58–59.

<sup>10</sup> *Id.* at 162.

<sup>11</sup> *Id.* at 73–75.

issued on February 9, 1983 in their names. Their inaction shows that they were guilty of laches as well.

During the hearing, the parties proffered their testimonial and documentary pieces of evidence, substantially corroborating their respective postures.

In due course, the trial court rendered the Decision<sup>12</sup> dated May 9, 2017, the *fallo* of which reads:

**WHEREFORE, premises considered the Complaint against the Defendants Conchita Juachon (substituted by Sylvia Juachon Constantino), Florentino Crisologo, Gigi Taylor, Rogelio Crisologo, Ricardo Ocampo and Edgardo Ocampo is Dismissed. The defendants however are directed to reimburse plaintiffs the realty taxes already paid by plaintiffs for Lot 669 covered by TCT No. NT-177100 in the total amount of Ph p 19,486.20 (as per Exhibits I-S and W) plus interest thereon at the legal rate of six percent (6%) per annum from the finality of this Decision until full satisfaction thereof.**

**SO ORDERED.**<sup>13</sup>

In arriving at such conclusion, the trial court ratiocinated in this wise:

The plaintiffs herein cannot claim that their predecessors were innocent purchasers for value because the subject property involved is a registered land. It is to be **emphasized** that the lot covered by OCT No. 14750 is registered in the name of Petrona Angor Santos. This fact alone should have put the Spouses Jimenez on guard that they were not dealing with the proper person. It is not enough that the property was paid in full consideration[,] but they must also prove that they rely (*sic*) on the Torrens Certificate of Title.

The allegation that the seller Alfredo Tinio is the grandson of Petrona is not a sufficient basis to invoke the doctrine of innocent purchaser for value for even if Alfredo is entitled to a portion of the subject property, his right thereto was merely inchoate. Further, there was no showing that Alfredo Tinio was authorized to sell the shares and interests of the heirs of Petrona Angor Santos in favor of Spouses Jimenezes. "*Nemo dat quod non habet.*"- no one can give what he does not have. A person can only sell what he owns or is authorized to sell; the buyer can as a consequence acquire no more than what the seller can legally transfer.

Plaintiffs' claim that they already acquired ownership over the land through acquisitive prescription is likewise incorrect. Prescription will not set in against the registered owner.

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<sup>12</sup> *Id.* at 87-97.

<sup>13</sup> *Id.* at 97.

....

It is also noted that the defendants became registered owners of the property way back in 1983. Plaintiffs did not take action for years. They (plaintiffs) made the demand for reconveyance only in 2006 or more than twenty-three (23) years since defendants have become registered owners. ...<sup>14</sup>

Feeling aggrieved, the Heirs of Jimenez moved for reconsideration,<sup>15</sup> but their plea was denied in the August 22, 2017 Order<sup>16</sup> of the trial court for being meritless.

Thereupon, they interposed an appeal<sup>17</sup> before the CA. Finding that the trial court correctly pronounced that the predecessors-in-interest of the Heirs of Juan were not purchasers in good faith, the CA rendered the challenged Decision.

Thereafter, they filed a motion for reconsideration of the foregoing Decision. However, it was denied in the equally impugned Resolution.

*Via* the present recourse, petitioners contend that the CA erred in affirming the trial court's decision.

***The Petition is devoid of merit.***

In the case at bench, petitioners insist that the CA failed to appreciate the fact that their predecessors-in-interest performed all the necessary acts to be considered purchasers in good faith and for value. As it happened, their father Juan scrutinized OCT No. 14750 and found that it was free from any lien or encumbrance. Seeing that it was not yet in the name of Alfredo, he required him to produce proof exhibiting his capacity to transfer any interest in the land in question. Alfredo then was able to produce a document denominated as Extra-Judicial Partition of Real Estate of the Deceased Petrona Angor Santos<sup>18</sup> executed by his mother, Trinidad Tinio (Trinidad), the sole heir of Basilia who was Petrona's daughter. Likewise, Juan observed that Alfredo was in actual physical possession of the lot subject of the sale. Moreover, one of the instrumental witnesses in the *Bilihan ng Lupa* was Conchita, a respondent herein, who did not even disclose that she had a claim

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<sup>14</sup> *Id.* at 95-96.

<sup>15</sup> *Id.* at 98-111.

<sup>16</sup> *Id.* at 114-115.

<sup>17</sup> *Id.* at 120-148.

<sup>18</sup> *Id.* at 163.

over the lot in question and that Alfredo had no right to sell the 985.2 square-meter portion of the same lot.<sup>19</sup>

***The Court is not persuaded.***

At the outset, it bears stressing that the determination of good faith or lack of it is a factual matter, which cannot be entertained in a petition for review on *certiorari* under Rule 45 since the Court is not a trier of facts. As such, the Court generally defers to the factual findings of the lower courts unless the case falls under any of the jurisprudentially-recognized exceptions to this rule. Here, the Court finds no cogent reason to depart from the uniform factual findings and conclusion of the trial court and the CA.<sup>20</sup>

Indeed, the CA properly adjudged that petitioners failed to prove that their predecessors-in-interest exercised due diligence in determining whether Alfredo had the capacity to sell the land in question. Under the facts obtaining in this case, the actuations of Juan cannot be considered as that of a buyer in good faith. The disquisition of the Court in *Yap v. Republic*<sup>21</sup> on who can be considered as a purchaser in good faith and for value, is instructive—

A buyer for value in good faith is one who buys property of another, without notice that some other person has a right to, or interest in, such property and pays full and fair price for the same, at the time of such purchase, or before he has notice of the claim or interest of some other persons in the property. He buys the property with the well-founded belief that the person from whom he receives the thing had title to the property and capacity to convey it.

To prove good faith, a buyer of registered and titled land need only show that he relied on the face of the title to the property. He need not prove that he made further inquiry for he is not obliged to explore beyond the four corners of the title. **Such degree of proof of good faith, however, is sufficient only when the following conditions concur: *first*, the seller is the registered owner of the land; *second*, the latter is in possession thereof; and *third*, at the time of the sale, the buyer was not aware of any claim or interest of some other person in the property, or of any defect or restriction in the title of the seller or in his capacity to convey title to the property.**

Absent one or two of the foregoing conditions, then the law itself puts the buyer on notice and obliges the latter to exercise a higher degree of

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<sup>19</sup> *Id.* at 35–36.

<sup>20</sup> See *Danilo Santiago F. Jimenez, as represented by his Attorney-in-Fact Dr. Sonia R. Jimenez-Catarroja, Petitioner v. Damian F. Jimenez and the Register (Registrar) of Deeds of Quezon City, Arturo C. Calubad, Antonio Keh and Ex-Officio Sheriff, Atty. Mercedes S. Gatmaytan, Now Atty. Perlita V. Ele, Respondents*, G.R. No. 228011 (February 10, 2021) [Per J. M. Lopez, Second Division].

<sup>21</sup> 807 Phil. 456 (2017) [Per J. Reyes, Third Division].

diligence by scrutinizing the certificate of title and examining all factual circumstances in order to determine the seller's title and capacity to transfer any interest in the property. Under such circumstance, it is no longer sufficient for said buyer to merely show that he relied on the face of the title; he must now also show that he exercised reasonable precaution by inquiring beyond the title. Failure to exercise such degree of precaution makes him a buyer in bad faith.<sup>22</sup>

In the case at bench, petitioners could not very well invoke good faith since Juan bought said land from Alfredo who was not the registered owner thereof.<sup>23</sup> In this regard, petitioners' assertion that their father — aside from scrutinizing OCT No. 14750, also relied on the aforesaid extra-judicial partition of Petrona's estate executed by Trinidad — could hardly be considered the higher degree of diligence required under the circumstances. Certainly, it is not sufficient that Alfredo was able to produce the said document. Juan should have seen to it that it was duly executed. As it turned out, it contained false statement and did not comply with the requirements of the laws. On this score, the Court quotes with approbation the findings of the CA, *viz.*:

In this case, defendant Alfredo was not the registered owner of the subject property or the entire Lot 669, as the same was, at the time of the sale, still registered in the name of the late Petrona who died on March 4, 1947. This circumstance alone should have put Juan Jimenez on guard before deciding to buy the subject property since there was a possibility that Petrona had several heirs who were entitled to succeed to her estate. Likewise, the mere execution by Trinidad of Extra Judicial Partition of Real Estate dated October 10, 1949, adjudicating unto herself Lots 637 and 669 covered by OCT No. 14750 does not automatically make her the sole owner of said real properties. Neither did defendant Alfredo become the owner thereof after the death of Trinidad, even if he was the sole heir of Trinidad. Granting that Trinidad was the sole and only heir of Petrona and that she adjudicated unto herself the entire estate of the decedent, the same should have also been settled by her heirs after her death.

....

Quite significantly, the settlement of estate executed by Trinidad Tinio does not appear to have been registered with the Registry of Deeds of Nueva Ecija where the land lies, as provided under Section 50 of the Land Registration Act, which provision was substantially reproduced in Section 51 of Presidential Decree (P.D.) No 1529, otherwise known as the Property Registration Decree. . . .

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<sup>22</sup> *Id.* at 474, citing *Trifonia D. Gabutan, et al. v. Dante D. Nacalaban*, 788 Phil. 546, 575-576 (2016) [Per J. Jardeleza, Third Division].

<sup>23</sup> *See Augusto v. Dy*, G.R. No. 218731, February 13, 2019, 892 SCRA 717, 737 [Per J. Reyes, Jr., Second Division].

Under Section 52 of P.D. No. 1529, said registration operates as a notice to all persons of the instrument affecting the land from the time of its registration. Since Trinidad's settlement of estate was not registered, it does not bind third persons, including (respondents) who had no participation therein whatsoever.

It is also noted that the settlement of estate of Trinidad was not published in a newspaper of general circulation in the province of Nueva Ecija as required by Section 2, Rule 74 of the Rules of Court. Consequently, (respondents) had no constructive knowledge of the execution thereof. There is also no evidence that they had actual knowledge of Trinidad's self-adjudication of the estate of Petrona. Section 1, Rule 74 of the Rules of Court expressly provides that no extrajudicial settlement shall be binding upon any person who has not participated therein or had no knowledge thereof . . . .

. . . .

It is clear that the above circumstances showing the lack of capacity of defendant Alfredo, as well as, the express provisions of the law were ignored by Juan Jimenez when he purchased the subject property from said seller. He should not have relied on the certificate of title which was not in the name of defendant Alfredo even if it was clean and contained no annotation of encumbrance. The mere fact that Trinidad's settlement of estate was unregistered was enough to arouse one's suspicion that it was not meant to be known to any other persons, including those who might be entitled to their share of the estate. Besides, there was no settlement of estate among the heirs of Trinidad. In the absence of any document showing that defendant Alfredo was the sole owner of the subject property, Juan Jimenez could not just assume that the representations of his seller were reliable and correct. Juan Jimenez should have at least investigated if defendant Alfredo was the only heir of Trinidad and if the latter was the only heir of Petrona. It turned out that respondent Alfredo had Florentino and Rogelio Crisologo as half-brothers and that Trinidad's self-adjudication of estate is false because she had four (4) siblings who were also heirs of Petrona.<sup>24</sup>

In light of the foregoing disquisition, the fact that Conchita was an instrumental witness in the *Bilihan ng Lupa* is inconsequential. To iterate, the disputed land was not in the name of Alfredo. Thus, Conchita's signature thereon did not diminish the degree of diligence required of Juan to investigate and establish Alfredo's right to dispose the subject property with proof other than the deed of sale itself. At most, it could only establish the purported sale transaction between Alfredo and Juan.

In synthesis, the Court finds no reversible error on the part of the CA in affirming the decision of the trial court. Since their predecessors-in-interest cannot be considered as purchasers in good faith, petitioners do not have a

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<sup>24</sup> *Rollo*, pp. 199-201.

better right over the realty. Moreover, with the land in question being a registered land, hence, they cannot acquire it by prescription.<sup>25</sup>

*A final word.* Petitioners assert that since the right of Alfredo over the subject lot had already ripened into a real and actual right, it is but just and lawful that his portion thereof be given to the spouses Jimenez.<sup>26</sup> On this point, it bears stressing that the Court cannot justly adjudicate on Alfredo's liability, if any. As properly held by the trial court —

Anent the alleged seller Alfredo Tinio, the Court could not make him liable for any damage that may have been caused the (petitioners) if indeed he (Alfredo Tinio) sold the portion of the lot to (petitioners') predecessors because the Court has not acquired jurisdiction over his person. The (petitioners) did not endeavor to cause the service of summons by all allowable means to (respondent) Alfredo Tinio.<sup>27</sup>

**WHEREFORE**, the Petition for Review on *Certiorari* is hereby **DENIED**. The Decision dated August 31, 2018 and the Resolution dated January 15, 2019 of the Court of Appeals in CA-G.R. CV No. 110124, are **AFFIRMED**.

**SO ORDERED.**"

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court* Jan 3.13.23

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<sup>25</sup> See *Heir of Cardenas v. The Christian and Missionary Alliance Churches of the Philippines, Inc.*, 850 Phil. 162, 179 (2019) [Per J. Caguioa, Second Division].

<sup>26</sup> *Rollo*, p. 40.

<sup>27</sup> *Id.* at 96.



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