

for the illegal strike, and that said strike cannot in any way affect their present status as laborers or any demands by them either pending or future. With this understanding, we decline to pass upon the legality or illegality of the strike declared on March 12, 1952, against the cement company, regarding the same as immaterial, if not moot.

In view of the foregoing, the order appealed from is hereby affirmed, with costs.

Paras, C.J., Pablo, Bengzon, Padilla, Alex Reyes, Bautista Angelo, Jugo, Labrador, Concepcion and J. B. L. Reyes, J.J., concur.

VIII

Urbano Casillan, Petitioner-Appellee, vs. Francisca E. Vda. De Espartero, et al., Oppositor-Appellants, No. L-6902, September 16, 1954, Reyes, A., J.

LAND REGISTRATION; JURISDICTION OF LAND REGISTRATION COURT TO ORDER RECONVEYANCE OF PROPERTY ERRONEOUSLY REGISTERED IN ANOTHER'S NAME; REMEDY OF LANDOWNER. — The Court of First Instance, in the exercise of its jurisdiction as a land registration court, has no authority to order a reconveyance of a property erroneously registered in another's name. The remedy of the landowner in such a case should be the time allowed for the reopening of the decree have already expired — is to bring an ordinary action in the ordinary courts of justice for reconveyance, or for damages if the property has passed into the hands of an innocent purchaser for value.

Manuel G. Alvarado for the oppositors and appellants.
Manuel G. Manzano for petitioner and appellee.

DECISION

REYES, A., J.:

On December 19, 1950, Urbano Casillan filed a verified petition in the Court of First Instance of Cagayan in Cadastral Case No. 26, Record No. 2, G.L.R.O. No. 1390, alleging that he was the owner of Lot No. 1380, filed a claim therefor in said case and paid all cadastral costs, but that by mistake title was issued to Victorino Espartero, who never possessed or laid claim to the said lot. Petitioner, therefore, prayed that "in the interest of equity and under Section 112 of Act 496," the court order the heirs of Victorino Espartero — the latter having already died — to reconvey the lot to the petitioner, or merely order the correction of the certificate of title by substituting his name for that of Victorino Espartero as registered owner.

Opposing the petition, the heirs of Victorino Espartero filed a motion to dismiss on the ground, among others, that section 112 of Act 496 did not authorize the reconveyance or substitution sought by petitioner; but the court declared the section applicable. And having found, after hearing, that the lot belonged to petitioner and that title thereto was issued in the name of Victorino Espartero as a consequence of a clerical error in the preparation of the decree of registration, the court ordered the reconveyance prayed for. From this order, oppositors have appealed to this Court and one of the questions raised is that section 112 of Act 496 did not authorize the lower court to order such reconveyance.

Stated another way, appellants' position is that the Court of First Instance, in the exercise of its jurisdiction as a land registration court, had no authority to order a reconveyance in the present case. The appeal thus raises a question of jurisdiction.

In view of our decision in the case of Director of Lands vs. Register of Deeds et al., 49 Off. Gaz., No. 3, p. 935, appellants' contention must be upheld. In that case, the court of land registration had confirmed title in the Government of the Philippine Islands to a parcel of land situated in Malabon, Rizal, but the corresponding decree and certificate of title were issued, not in the name of the Philippine Government, but in that of the municipality of Malabon. Years after, the Director of Lands filed in the original land registration case a petition for an order to have the error corrected

and the certificate of title put in the name of the Republic of the Philippines. Acting on the petition, the Court of First Instance of Rizal issued the order prayed for on the authority of section 112 of the Land Registration Act. But upon appeal to this Court, the order was reversed, this Court holding that the lower court, as a land court, had no jurisdiction to issue such order, as the section cited did not apply to the case. Elaborating on the scope of said section, this Court said:

"Roughly, section 112, on which the Director of Lands relies and the order is planted, authorizes, in our opinion, only alterations which do not impair rights recorded in the decree, or alterations which, if they do prejudice such rights, are consented to by all the parties concerned, or alterations to correct obvious mistakes. By the very fact of its indefeasibility, the Court of Land Registration after one year loses its competence to revoke or modify in a substantial manner a decree against the objection of any of the parties adversely affected. Section 112 itself gives notice that it 'shall not be construed to give the court authority to open the original decree of registration,' and section 38, which sanctions the opening of a decree within one year from the date of its entry, for fraud, provides that after that period 'every decree or certificate of title issued in accordance with this section shall be incontrovertible'.

"Under the guise of correcting clerical errors, the procedure here followed and the appealed order were virtual revision and nullification of generation-old decree and certificate of title. Such procedure and such order strike at the very foundation of the Torrens System of land recording laid and consecrated by the emphatic provisions of section 38 and 112 of the Land Registration Act, *supra*. In consonance with the universally-recognized principles which underlie Act No. 496, the court may not, even if it is convinced that a clerical mistake was made, recall a certificate of title after the lapse of nearly 30 years from the date of its issuance, against the vigorous objection of its holder. As was said in a similar but much weaker case than this (Government vs. Judge, etc., 57 Phil., 500): 'To hold that the substitution of the name of a person, by subsequent decree, for the name of another person to whom a certificate of title was issued (five years before) in pursuance of a decree, effects only a correction of a clerical error and that the court had jurisdiction to do it, requires a greater stretch of the imagination than is permissible in a court of justice.' (Syllabus.) It should be noticed that in that case, as in this case, the later decree 'was based on the hypothesis that the decree of May 14, 1925, contained a clerical error and that the court had jurisdiction to correct such error in the manner aforesaid'.

"The sole remedy of the land owner whose property has been wrongfully or erroneously registered in another's name is, after one year from the date of the decree, not to set aside the decree, as was done in the instant case, but, respecting the decree as incontrovertible and no longer open to review, to bring an ordinary action in the ordinary court of justice for reconveyance or, if the property has passed into the hands of an innocent purchaser for value, for damages."

In line with the ruling laid down in the case cited, the order herein appealed from must be, as it is hereby, revoked, without prejudice to the filing of an ordinary action in the ordinary courts of justice for reconveyance, or for damages if the property has passed into the hands of an innocent purchaser for value. Without costs.

Paras, Pablo, Bengzon, Padilla, Montemayor, Jugo, Bautista Angelo, Concepcion, and J. B. L. Reyes, J.J., concur.

IX

Josefa De Jesus, Pilar De Jesus and Dolores De Jesus, Plaintiffs-Appellants, vs. Santos Belarmino and Teodora Ochoa De Juliano, Defendants-Appellees, G. R. No. L-6665, June 30, 1954, Bautista Angelo, J.

1. SALES; VENDEE WITH ACTUAL OR CONSTRUCTIVE