



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

ROSITA V. ZAMORA,

Petitioner,

G.R. No. 254194

Present:

- versus -

CAGUIOA, J.,

Chairperson,

INTING,

GAERLAN,

DIMAAMPAO, and

SINGH, JJ.

**RAMON BAGATSING, JR.,
 ROSARITY L. BAGATSING,
 REYNALDO L. BAGATSING,
 and MARILYN BAGATSING-
 TOPACIO,**

Respondents.

Promulgated:

March 29, 2023

MicDCBatt

X-----X

DECISION

GAERLAN, J.:

Assailed in this Petition for Review on *Certiorari*¹ are the Decision² dated November 28, 2019 and the Resolution³ dated October 9, 2020 rendered by the Court of Appeals (CA) in CA-G.R. CV No. 111516, which reversed and set aside the Decision⁴ dated May 24, 2018 of the Regional Trial Court (RTC) of Pasay City, Branch 118, in LRC Case No. R-PSY-16-24198-CV, which dismissed the petition for cancellation of annotation of adverse claim filed by respondents Ramon L. Bagatsing, Jr., Rosarity⁵ L. Bagatsing, Reynaldo L. Bagatsing, and Marilyn Bagatsing-Topacio (collectively, Bagatsings) against petitioner Rosita V. Zamora (Rosita).

¹ *Rollo*, pp. 17-30.

² *Id.* at 39-51. Penned by Associate Justice Tita Marilyn Payoyo-Villordon, with Associate Justices Ramon R. Garcia and Victoria Isabel A. Paredes, concurring.

³ *Id.* at 36-37.

⁴ *Id.* at 74-86. Penned by Presiding Judge Rowena Nieves A. Tan.

⁵ Rosarito in some parts of the *rollo*.

4

The Facts

The present controversy involves a 439-square-meter parcel of land (subject property) located in Pasay City that was originally owned and registered under the names of spouses Rosita and Jesus Zamora (Jesus; collectively, spouses Zamora), as evidenced by Transfer Certificate of Title (TCT) No. 104125.⁶

However, as claimed by the Bagatsings, spouses Zamora, by virtue of a notarized Deed of Donation dated May 31, 1991, donated the subject property to Zenaida Lazaro (Lazaro), the mother of the former and the aunt of Rosita.⁷ On the basis of the said donation, TCT No. 141543 was issued in the name of Lazaro, thereby cancelling TCT No. 104125 in the name of spouses Zamora.⁸

Remarkably, Jesus died due to prostate cancer of even date to the execution of the said deed, around 2:00 a.m., at their house located at the subject property.⁹

About 24 years after, or specifically on March 13, 2015, Rosita filed an Affidavit of Adverse Claim for TCT No. 141543 on the ground of forgery, claiming that the signatures appearing on the purported Deed of Donation do not belong to her and her late husband, Jesus.¹⁰ The said filing caused the annotation on TCT No. 141543.¹¹

Sometime thereafter, Lazaro executed a Deed of Sale in favor of her children, the Bagatsings, who then registered the subject property in their names in a new certificate of title, TCT No. 003-2016000407, which carried with it the same annotation of adverse claim.¹² The annotation prompted the Bagatsings to file a petition for cancellation of annotation of adverse claim with the RTC.¹³

For her part, Rosita narrated that she and her husband, Jesus, took out a loan and mortgaged the subject property with L&R Corporation.¹⁴ Lazaro, who was Rosita's aunt, offered to pay the loan in order to cancel the mortgage and redeem the subject property.¹⁵ To effect the same, Lazaro asked for the

⁶ *Rollo*, p. 40.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 81.

¹⁰ *Id.* at 40.

¹¹ *Id.*

¹² *Id.* at 40-41.

¹³ *Id.* at 41.

¹⁴ *Id.*

¹⁵ *Id.*

owners' duplicate copy of TCT No. 104125 to which Rosita obliged.¹⁶ When Rosita went to the Register of Deeds to check on her title, as buyers became interested on the subject property, she learned that TCT No. 104125 has been cancelled and a new one has already been issued in the name of Lazaro.¹⁷

Ruling of the Regional Trial Court

The RTC denied the petition for cancellation of annotation of adverse claim, the dispositive portion of the Decision¹⁸ dated May 24, 2018 reads:

WHEREFORE, all the foregoing premises considered, the petitioner's prayer for cancellation of annotation of adverse claim is hereby DENIED.

SO ORDERED.¹⁹

In ruling so, the RTC found that the Deed of Donation supposedly executed by spouses Zamora in favor of Lazaro was a forgery, thus, prompting the Bagatsings to file an appeal before the CA.²⁰

On one hand, the Bagatsings asserted in their Appellants' Brief that the RTC erred in giving more evidentiary weight on the self-serving testimonies of Rosita.²¹ They also argued that Rosita was already barred by the Statute of Limitations, having asserted ownership only 24 years after the execution of the Deed of Donation.²²

On the other hand, Rosita contended that there was no reversible error on the part of the RTC when it gave more evidentiary weight on her evidence than that of the Bagatsings.²³ She also alleged that the RTC did not err in failing to rule based on estoppel by laches and prescription.²⁴

Ruling of the Court of Appeals

The CA reversed and set aside the ruling of the RTC, thereby cancelling the adverse claim of Rosita.²⁵ The dispositive portion of the November 28, 2019 Decision reads:

¹⁶ Id.
¹⁷ Id.
¹⁸ Id. at 74-86.
¹⁹ Id. at 86.
²⁰ Id. at 42.
²¹ Id.
²² Id. at 102.
²³ Id. at 43.
²⁴ Id.
²⁵ Id. at 50.



ACCORDINGLY, foregoing premises considered, the appeal is **GRANTED**. The Decision dated May 24, 2018 of the Regional Trial Court (RTC) of Pasay City, Branch 118 in LTD Case No. R-PSY-16-24198-CV, is hereby **REVERSED** and **SET ASIDE**, and a new one rendered **CANCELLING THE ADVERSE CLAIM**, annotated on TCT No. 003-2016000407 of the Registry of Deeds of Pasay City.

SO ORDERED.²⁶ (Emphases in the original)

In ruling for the Bagatsings, the CA found that the case was barred by prescription and laches.²⁷ The CA ruled that the right of Rosita had already prescribed for failing to file an action for reconveyance within 10 years from the registration of the subject property in the name of Lazaro dated November 20, 1998.²⁸ This is despite the CA finding that the signatures of spouses Zamora in the Deed of Donation were forged.²⁹

Consequently, Rosita filed a Motion for Reconsideration, which was denied by the CA in a Resolution dated October 9, 2020, to wit:

Accordingly, the Motion for Reconsideration is **DENIED**.

SO ORDERED.³⁰ (Emphases in the original)

Aggrieved, Rosita filed the present recourse before the Court.

Issues

For the resolution of this Court are the following issues:

I. WHETHER OR NOT THE HONORABLE COURT *A QUO* COMMITTED AN ERROR IN LAW WHEN IT TACKLED MATTERS RELATING TO PRESCRIPTION OF AN ACTION FOR RECONVEYANCE IN AN APPEALED LAND REGISTRATION CASE; [AND]

II. WHETHER OR NOT THE HONORABLE COURT *A QUO* COMMITTED AN ERROR IN LAW WHEN IT RULED THAT THE ACTION FOR RECONVEYANCE BASED ON AN INSTRUMENT WHOSE EXECUTION WAS FORGED HAD PRESCRIBED.³¹

²⁶ Id.

²⁷ Id. at 47.

²⁸ Id. at 49.

²⁹ Id. at 44.

³⁰ Id. at 37.

³¹ Id. at 22.



The Ruling of the Court

The Court grants the petition.

I

The honorable court a quo did not commit an error in law when it tackled matters relating to prescription of an action for reconveyance in an appealed land registration case.

In resolving the first issue, the Court underscores that among the matters raised by the Bagatsings in their Appellants' Brief before the court *a quo* was the issue on Statute of Limitations, with Rosita having asserted ownership only 24 years after the execution of the Deed of Donation.³² Thus, the court *a quo* was justified in tackling the same.

Nonetheless, it was erroneous for the CA to rule on the basis of prescription of an action for reconveyance. The Court stresses that the original action was a petition for cancellation of annotation of adverse claim filed by the Bagatsings. Tracing it further, what sparked this whole case was the Affidavit of Adverse Claim filed by Rosita. Yet, the court *a quo* resolved the case on the basis of the prescription of an action for reconveyance on the part of Rosita.

Although an action for reconveyance and the annotation of adverse claim are both reliefs available to the rightful owner of the land which has been wrongfully or erroneously registered in the name of another, these two have different purposes. An action for reconveyance, on one hand, is for the purpose of compelling the transfer of the land to the rightful owner.³³ On the other hand, the annotation of adverse claim is designed to protect the interest of a person over a real property by giving notice to third persons that there is a controversy over the ownership of the said property.³⁴ Even more importantly, an action for reconveyance is an original action filed before the Regional Trial Courts or the Municipal Trial Courts, depending on the assessed value of the property involved,³⁵ while an adverse claim is a type of involuntary dealing made through the filing of a sworn statement before the Register of Deeds.³⁶

³² Id. at 102.

³³ *Sps. Aboitiz v. Sps. Po*, 810 Phil. 123, 140 (2017).

³⁴ *Logarta v. Mangahis*, 789 Phil. 244, 252 (2016).

³⁵ *Sps. Aboitiz v. Sps. Po*, supra note 33.

³⁶ PRESIDENTIAL DECREE NO. 1529, Section 70.

Applying the foregoing, the Court finds more reason to rule that an action for reconveyance is entirely different from a petition for cancellation of adverse claim, which is the original action in this case. In its very obvious sense, the former may be filed with or without an adverse claim annotated on the land title, while the latter cannot be filed without an adverse claim.

Therefore, although the court *a quo* was justified in discussing prescription as it was one of the matters raised before it, a ruling on the basis of prescription of an action for reconveyance is unwarranted in this case.

II

The honorable court a quo committed an error in law when it ruled that the action for reconveyance based on an instrument whose execution was forged had prescribed.

Still ruling on prescription, the court *a quo* declared that the instant case was barred by prescription,³⁷ having found that Rosita slept on her right to file an action for reconveyance within the 10-year period from the registration of the subject property in the name of Lazaro on November 20, 1998.³⁸

Again, at the risk of sounding repetitious, the appealed case was regarding the denied petition for cancellation of annotation of adverse claim, and not an action for reconveyance. Assuming *arguendo* that the case was an action for reconveyance, the Court finds that the same has not yet prescribed.

In *Heirs of Arao v. Heirs of Eclipse*,³⁹ the Court earlier ruled that a complaint for cancellation of title based on the nullity of the Deed of Conveyance does not prescribe.⁴⁰ Thus, it goes without saying that an action predicated on the fact that the conveyance complained of was null and void *ab initio* is, likewise, imprescriptible.

Applying the foregoing points to the case at bar, Rosita's right to file an action for reconveyance does not prescribe, since, as aptly found by both the RTC and the court *a quo*, the signatures of spouses Zamora appearing on the Deed of Donation, from which the Bagatsings derive their title, were forged,⁴¹ making the conveyances made after the donation null and void.

³⁷ *Rollo*, p. 47.

³⁸ *Id.* at 49.

³⁹ 843 Phil. 391 (2018).

⁴⁰ *Id.*

⁴¹ *Rollo*, p. 44.

J

As observed by the court *a quo*, there were distinct inconsistencies in the signature of Rosita as it appears on the Deed of Donation and on the Affidavit of Adverse Claim.⁴² The strokes of the signature found on the former are rounded and paused, whereas the signature on the latter appears to have thin and precise strokes.⁴³ For the signature of her deceased husband, Jesus, the court *a quo* also found that the same was forged, based on the testimony of Rosita who was familiar with Jesus' signature based from documents that her husband executed when he was still alive⁴⁴ in accordance with Section 22 of Rule 132 in the Rules of Evidence.⁴⁵

Thus, there is no doubt that the Deed of Donation is spurious and the signatures of the donors as they appear thereon are forged. As enunciated by the Court in a number of cases, a forged deed is a nullity and conveys no title.⁴⁶ Henceforth, any and all transactions subsequent to the said donation, including the purported sale made by Lazaro to the Bagatsings, shall be, likewise, null and void. Therefore, an action for reconveyance predicated on these null and void conveyances shall be deemed imprescriptible. Additionally, being an imprescriptible right, laches cannot be set up to resist the enforcement of the same.⁴⁷ Hence, as correctly argued by Rosita, the court *a quo* committed an error in law when it ruled that the action for reconveyance based on an instrument whose execution was forged had prescribed.

Applying the above discussion to the instant case, the RTC is correct in denying the petition for cancellation of annotation of adverse claim filed by the Bagatsings. As fittingly argued by the Bagatsings, Rosita carries the burden of proof to show that her adverse claim over the subject property is meritorious. After a careful and thorough perusal of the records, the Court finds merit in Rosita's adverse claim, following the finding of forgery on the Deed of Donation from which the Bagatsings derive their title.

WHEREFORE, premises considered, the petition is **GRANTED**. The Decision dated November 28, 2019 and the Resolution dated October 9, 2020 of the Court of Appeals in CA-G.R. CV No. 111516, ordering the cancellation of the Notice of Adverse Claim, are **REVERSED** and **SET ASIDE**. The Decision of the Regional Trial Court of Pasay City, Branch 118 dated May 24, 2018 in LRC Case No. R-PSY-16-24198-CV is hereby **REINSTATED**, and respondents Ramon L. Bagatsing, Jr., Rosarito L. Bagatsing, Reynaldo L. Bagatsing, and Marilyn Bagatsing-Topacio's Petition for Cancellation of Annotation of Adverse Claim is **DISMISSED**.

⁴² Id. at 45.

⁴³ Id.

⁴⁴ Id. at 46.

⁴⁵ Id.

⁴⁶ *Heirs of Arao v. Heirs of Eclipse*, supra note 38.

⁴⁷ Id.

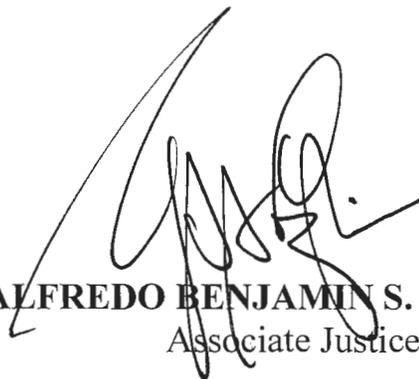
1

SO ORDERED.

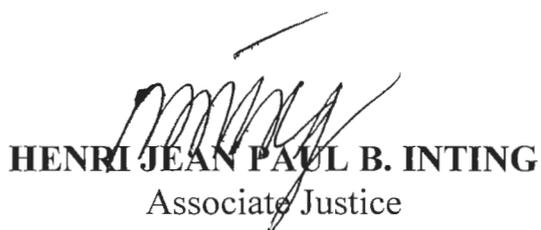


SAMUEL H. GAERLAN
Associate Justice

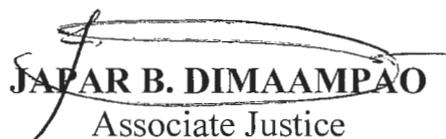
WE CONCUR:



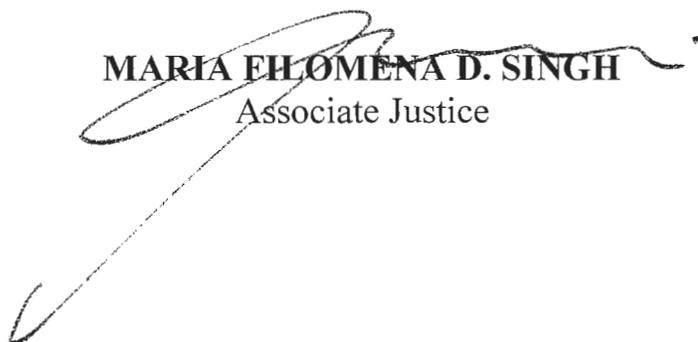
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



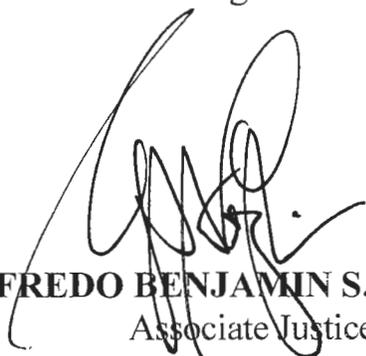
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

I attest 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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.


ALEXANDER G. GESMUNDO
Chief Justice

4