



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

ROSARIO BANGUIS-TAMBUYAT,
Petitioner,

G.R. No. 202805

- versus -

Present:

BRION, *Acting Chairperson,**
 DEL CASTILLO,
 MENDOZA,
 PERLAS-BERNABE,** *and*
 LEONEN, *JJ.*

WENIFREDA BALCOM-TAMBUYAT,
Respondent.

Promulgated:

MAR 23 2015

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DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*¹ seeks to set aside the February 14, 2012 Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 84954 affirming with modification the May 26, 2003 Decision³ of the Regional Trial Court of Malolos, Bulacan, Branch 10 in LRC Case No. P-443-99, as well as its July 26, 2012 Resolution⁴ denying petitioner's Motion for Reconsideration⁵ of the herein assailed judgment.

Factual Antecedents

Adriano M. Tambuyat (Adriano) and respondent Wenifreda Balcom-Tambuyat (Wenifreda) were married on September 16, 1965.⁶ During their marriage, Adriano acquired several real properties, including a 700-square meter

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* Per Special Order No. 1955 dated March 23, 2015.

** Per Special Order No. 1956 dated March 23, 2015.

¹ *Rollo*, pp. 13-32.

² *Id.* at 135-150; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Antonio L. Villamor.

³ *Id.* at 44-61; penned by Judge Victoria Villalon-Pornillos.

⁴ *Id.* at 123-125; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Sesinando E. Villon.

⁵ *Id.* at 127-129.

⁶ *Id.* at 47, 50, 141-142.

parcel of land located at *Barangay Muzon*, San Jose del Monte, Bulacan (the subject property),⁷ which was bought on November 17, 1991.⁸ The deed of sale over the said property was signed by Adriano alone as vendee; one of the signing witnesses to the deed of sale was petitioner Rosario Banguis-Tambuyat (Banguis), who signed therein as “Rosario Banguis.”⁹ When Transfer Certificate of Title No. T-145321(M) (TCT T-145321) covering the subject property was issued, however, it was made under the name of “ADRIANO M. TAMBUYAT married to ROSARIO E. BANGUIS.”¹⁰

All this time, petitioner Banguis remained married to Eduardo Nolasco (Nolasco). They were married on October 15, 1975, and at all times material to this case, Nolasco was alive, and his marriage to petitioner subsisted and was never annulled.¹¹

On June 7, 1998, Adriano died intestate.¹²

On October 18, 1999, Wenifreda filed a Petition for Cancellation¹³ of TCT T-145321, which was docketed as LRC Case No. P-443-99 and assigned to Branch 10 of the Regional Trial Court of Malolos, Bulacan (Malolos RTC). She alleged therein that she was the surviving spouse of Adriano; that TCT T-145321 was erroneously registered and made in the name of “ADRIANO M. TAMBUYAT married to ROSARIO E. BANGUIS;” that per annexed Marriage Contract, Banguis was still married to Nolasco; that Banguis could not have been married to Adriano; that the issuance of the title in Banguis’s name as Adriano’s spouse was due to “an insidious machination by her and the person who brokered the sale of the subject property, allegedly a cousin or relative of hers;”¹⁴ and that consequently, she suffered damages. Thus, Wenifreda prayed that TCT T-145321 be cancelled; that a new certificate of title be made out in Adriano’s name, with her as the spouse indicated; that Banguis be ordered to surrender her copy of TCT T-145321; and that moral and exemplary damages, attorney’s fees, and costs of litigation be adjudged in her favor.

In her Opposition¹⁵ to the petition for cancellation, Banguis denied specifically that the subject property was acquired by Adriano and Wenifreda during their marriage. She claimed that on the other hand, she alone bought the

⁷ Id. at 137.

⁸ Id. at 41.

⁹ Id. at 145.

¹⁰ Id. at 137; *CA rollo*, p. 125.

¹¹ *Rollo*, p. 142.

¹² Id. at 48, 137.

¹³ Id. at 35-40; Amended Petition, entitled “*Wenifreda “Winnie” B. Tambuyat, Petitioner, versus The Register of Deeds for Bulacan, Meycauayan Branch, The Land Registration Authority, The National Statistics Office, The Social Security System, The Solicitor General, The Provincial Prosecutor of Bulacan, and Rosario Banguis Nolasco, Respondents.*”

¹⁴ Id. at 38.

¹⁵ Id. at 41-43.

subject property using her personal funds; that she and Adriano were married on September 2, 1988 and thereafter lived together as a married couple; that their union produced a son, who was born on April 1, 1990; that the trial court has no jurisdiction over the petition for cancellation, which is merely a summary proceeding – considering that a thorough determination will have to be made as to whether the property is conjugal or exclusive property, and since she and Adriano have a child whose rights will be adversely affected by any judgment in the case; and that Wenifreda is guilty of forum-shopping in filing LRC Case No. P-443-99, considering that a prior similar case was already filed by her and dismissed on April 22, 1999 by Branch 76 of the Malolos RTC. Banguis prayed for the dismissal of LRC Case No. P-443-99 and to be paid moral damages and attorney’s fees by way of counterclaim.

During the course of the proceedings, the parties presented the following evidence, among others:

1. Marriage Contract of Adriano and Wenifreda;¹⁶
2. Publication of Adriano’s death;¹⁷
3. Social Security System (SSS) data record of Adriano indicating that Wenifreda is his spouse;¹⁸
4. Barangay Council Certificate indicating that Adriano and Wenifreda were legally married and residents of No. 13 Hyacinth Road, Phase V, Pilar Village, Las Piñas City since 1981;¹⁹
5. Marriage Contract of Banguis and Nolasco dated October 15, 1975;²⁰
6. Banguis’s SSS Member’s Data Change or Addition Report indicating that Banguis: a) sought to change her name from “Rosario E. Banguis” to “Rosario B. Nolasco”; b) listed Nolasco as her husband; and c) changed her civil status to “married;”²¹
7. Banguis’s correspondence at work – Ocean East Agency Corporation (Ocean East), which was owned and operated by Adriano – in which she signed as “Rosario B. Nolasco;”²²
8. Banguis’s résumé on file with Ocean East, reflecting that she was

¹⁶ Id. at 141.

¹⁷ Id.

¹⁸ Id. at 142.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

married;²³

9. Negative Certification of Marriage issued by the Civil Registrar of Bulacan to the effect that the Civil Register does not have any record of Adriano and Banguis's marriage which was supposedly solemnized on September 2, 1988;²⁴
10. Certification dated April 17, 2002 issued by Rev. Fr. Narciso Sampana, Parish Priest of St. Joseph Parish, to the effect that the parish never had a parish priest by the name of Fr. Roberto de Guzman – who is claimed to have solemnized the alleged marriage between Adriano and Banguis;²⁵
11. Banguis's testimony on direct examination that she and Adriano were married on September 2, 1988; that they had a son named Adrian; that Adriano purchased the subject property on November 17, 1991 per Deed of Sale – executed in Manila and with Adriano as the purchaser – entered as “Document No. 173; Page No. 3550; series of 1990” in the notarial registry of Mr. Julian B. Tubig; that she paid for the same with her own money; and that she stayed at the subject property each Friday night up to Sunday night;²⁶
12. Banguis's testimony on cross-examination that she is married to Nolasco, who is still alive; that her marriage to the latter is still subsisting and has not been annulled; and that she knew that Adriano was married to someone else;²⁷
13. Photographs depicting Adriano and Banguis as a couple and with a child, supposedly taken at the subject property.²⁸

On May 26, 2003, the Malolos RTC rendered its Decision, decreeing thus:

WHEREFORE, premises considered, judgment is hereby RENDERED in favor of the petitioner herein, as follows:

1. Directing the Register of Deeds of Meycauayan, Bulacan to cancel TCT No. T-145321 (M) and in lieu thereof to issue a new certificate of title in the name of Adriano M. Tambuyat married to Wenifreda “Winnie” Balcom Tambuyat;
2. Directing the defendant Rosario Banguis Nolasco of 1714 Ibarra St.,

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id. at 51-52.

²⁷ Id. at 142.

²⁸ Id. at 52; CA *rollo*, pp. 101-103,108-124.

Sampaloc, Manila to surrender to the Register of Deeds for Meycauayan, Bulacan, the owner's duplicate copy of TCT No. T-145321 (M) within five (5) days from receipt of the order, failing which the Register of Deeds should proceed with the cancellation of said TCT.

3. Directing defendant Rosario Banguis Nolasco to pay petitioner the sum of ₱100,000.00 as and by way of moral damages.
4. Directing defendant Rosario Banguis Nolasco to pay petitioner the sum of ₱100,000.00 as and by way of exemplary damages; and
5. Directing defendant Rosario Banguis Nolasco to pay petitioner attorney's fees in the amount of ₱100,000.00, and the cost of suit.

Accordingly, the counterclaim of the oppositor is hereby **DISMISSED** for lack of merit.

SO ORDERED.²⁹

In arriving at the above pronouncement, the trial court held among others that under Section 112 of Act No. 496 or the Land Registration Act – now Section 108 of Presidential Decree No. 1529 (PD 1529) or the Property Registration Decree³⁰ – court authorization is required for any alteration or amendment of a certificate of title when any error, omission or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate, or when there is reasonable ground for the amendment or alteration of the title; that it has been established that Wenifreda is the surviving spouse of Adriano, and the subject property was acquired during their marriage, but it was erroneously registered in the name of another; that Banguis had a subsisting marriage with

²⁹ *Rollo*, p. 61.

³⁰ Section 108. Amendment and alteration of certificates. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the Register of Deeds, except by order of the proper Court of First Instance. A registered owner or other person having an interest in registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that the registered interests of any description, whether vested, contingent, expectant or inchoate appearing on the certificate, have terminated and ceased; or that new interest not appearing upon the certificate have arisen or been created; or that an omission or error was made in entering a certificate or any memorandum thereon, or, on any duplicate certificate; or that the same or any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated and no right or interests of heirs or creditors will thereby be affected; or that a corporation which owned registered land and has been dissolved has not convened the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security or bond if necessary, as it may consider proper; Provided, however, That this section shall not be construed to give the court authority to reopen the judgment or decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs and assigns, without his or their written consent. Where the owner's duplicate certificate is not presented, a similar petition may be filed as provided in the preceding section.

All petitions or motions filed under this Section as well as under any other provision of this Decree after original registration shall be filed and entitled in the original case in which the decree or registration was entered.

Nolasco when TCT T-145321 was issued with her being erroneously included and referred to therein as Adriano's spouse; that Adrian's filiation may not be proved collaterally through LRC Case No. P-443-99; that Wenifreda is entitled to an award of moral and exemplary damages without proof of pecuniary loss, for the damage caused upon her reputation and social standing caused by the wanton, fraudulent, malicious and unwarranted inclusion of Banguis's name in the title; and that Wenifreda is likewise entitled to attorney's fees as she was compelled to litigate and incur expenses to protect her interests by reason of Banguis's unjustified act.

Ruling of the Court of Appeals

Petitioner appealed the trial court's Decision with the CA. Docketed as CA-G.R. CV No. 84954, the appeal basically revolved around the thesis that the trial court erred in applying Section 108 of PD 1529; that with the serious objections raised by Banguis and considering that she is the actual owner and possessor of the subject property, a proper action in a different court exercising general jurisdiction should be filed, rather than in the current trial court which sits merely as a land registration court; that the trial court disregarded Article 148 of the Family Code³¹ which provides for the division of properties acquired by individuals united in a defective marriage; that the trial court erred in awarding damages, attorney's fees and costs of suit; that the trial court erred in granting execution pending appeal despite the absence of any good or special reasons; and that the denial of her counterclaim was improper.³²

Meanwhile, on October 30, 2003, Wenifreda moved for execution pending appeal. It appears that Banguis failed to oppose the motion; she did not appear during the scheduled hearings on the motion as well. As a result, the trial court issued a March 30, 2004 Order directing the issuance of a Writ of Execution. Such writ was thus issued on April 14, 2004. TCT T-145321 was cancelled, and a new title – TCT T-433713(M) – was issued in its place.

On February 14, 2012, the CA issued the assailed Decision containing the following decretal portion:

WHEREFORE, the appeal is PARTIALLY GRANTED. The assailed

³¹ Art. 148. In cases of cohabitation not falling under the preceding Article, only the properties acquired by both of the parties through their actual joint contribution of money, property, or industry shall be owned by them in common in proportion to their respective contributions. In the absence of proof to the contrary, their contributions and corresponding shares are presumed to be equal. The same rule and presumption shall apply to joint deposits of money and evidences of credit.

If one of the parties is validly married to another, his or her share in the co-ownership shall accrue to the absolute community or conjugal partnership existing in such valid marriage. If the party who acted in bad faith is not validly married to another, his or her share shall be forfeited in the manner provided in the last paragraph of the preceding Article.

The foregoing rules on forfeiture shall likewise apply even if both parties are in bad faith.

³² *Rollo*, pp. 74-97.

Decision dated May 26, 2003 issued by the Regional Trial Court, Branch 10 of Malolos, Bulacan is AFFIRMED with the modification that the award of moral and exemplary damages, attorney's fees and cost of the suit in favor of Wenifreda Tambuyat is hereby deleted.

SO ORDERED.³³

The CA sustained the trial court's application of Section 108 of PD 1529, noting that Banguis's name was included in TCT T-145321 by error or mistake. It held that the evidence adduced proved that Wenifreda – and not Banguis – is the lawful wife of Adriano; that there is a valid and subsisting marriage between Nolasco and Banguis, and the latter admitted to such fact during the course of the proceedings in the trial court; and that Banguis's opposition to Wenifreda's petition for cancellation of TCT T-145321 is not real and genuine as to place the latter's title to the subject property in doubt.³⁴

The CA added that contrary to Banguis's position, a separate and different proceeding is not necessary to resolve her opposition to the petition in LRC Case No. P-443-99, as: 1) she in effect acquiesced and freely submitted her issues and concerns to the trial court for complete determination, submitting all her relevant documentary and other evidence to the court in order to prove her allegations – particularly that she is the lawful spouse of Adriano and that she is the actual owner and possessor of the subject property; and 2) pursuant to law³⁵ and jurisprudence,³⁶ the distinction between the trial court sitting as a land registration court and as a court of general jurisdiction has been eliminated with the passage of PD 1529. It held further that, based on the evidence adduced, Adriano and Banguis are not co-owners of the subject property as it has been shown that: a) both of them had valid and subsisting marriages when they conducted their adulterous relations; b) Banguis failed to present even a modicum of evidence that she contributed to the purchase of the subject property; and c) the deed of sale itself indicated that Adriano alone was the vendee. Finally, in denying Wenifreda's pecuniary awards and Banguis's counterclaim, the CA held that the parties are not entitled thereto as there is no legal and factual basis to grant them.

³³ Id. at 147.

³⁴ Citing *Quiroz v. Manalo*, G.R. No. 48162, June 18, 1992, 210 SCRA 60, 65-66.

³⁵ Section 2 of PD 1529, which states:

Section 2. Nature of registration proceedings; jurisdiction of courts. Judicial proceedings for the registration of lands throughout the Philippines shall be *in rem* and shall be based on the generally accepted principles underlying the Torrens system.

Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. The court through its clerk of court shall furnish the Land Registration Commission with two certified copies of all pleadings, exhibits, orders, and decisions filed or issued in applications or petitions for land registration, with the exception of stenographic notes, within five days from the filing or issuance thereof.

³⁶ *Averia, Jr. v. Hon. Caguioa*, 230 Phil. 540, 543-544 (1986); *Philippine National Bank v. International Corporate Bank*, 276 Phil. 551, 559 (1991).

Banguis moved for reconsideration, but in a July 26, 2012 Resolution, the CA was unconvinced. Hence, the present Petition.

Issues

Banguis cites the following issues for resolution:

- I. THE COURT OF APPEALS GROSSLY ERRED IN SUSTAINING THE RTC WHICH CANCELLED AND CORRECTED THE QUESTIONED ENTRY IN TCT NO. T-145321 (M) FROM “ROSARIO E. BANGUIS” TO “WENIFREDA ‘WINNIE’ BALCOM TAMBUYAT” UNDER SECTION 108 OF THE PROPERTY REGISTRATION DECREE DESPITE THE LACK OF JURISDICTION TO HEAR THE SAME IN VIEW OF THE SERIOUS AND WEIGHTY OBJECTIONS OF THE PETITIONER AND THAT THE INSTITUTION OF ESTATE PROCEEDINGS OF THE LATE ADRIANO M. TAMBUYAT AND THE CONSEQUENT APPOINTMENT OF AN EXECUTOR OR ADMINISTRATOR WHICH IS THE PROPER REMEDY WHO CAN GO AFTER HIS PROPERTIES HELD BY OTHER PERSONS.
- II. THE COURT OF APPEALS GROSSLY ERRED IN SUSTAINING THE RTC WHICH CORRECTED AND CANCELLED THE QUESTIONED ENTRY IN TCT NO. T-145321 (M) THROUGH AN ABSOLUTE AND COMPLETE DISREGARD OF THE PROOF OF OWNERSHIP AND POSSESSION BY THE PETITIONER OVER THE SUBJECT PROPERTY.
- III. THE COURT OF APPEALS GROSSLY ERRED IN SUSTAINING THE RTC WHICH CORRECTED AND CANCELLED THE QUESTIONED ENTRY IN TCT NO. T-145321 (M) IN CLEAR VIOLATION OF ARTICLE 148 OF THE FAMILY CODE PROVIDING FOR THE SHARING OF PROPERTIES ACQUIRED BY PERSONS UNITED IN A DEFECTIVE MARRIAGE.
- IV. THE COURT OF APPEALS GROSSLY ERRED IN SUSTAINING THE RTC WHICH GRANTED THE IMMEDIATE EXECUTION OF ITS DECISION NOTWITHSTANDING THE SEASONABLE APPEAL OF THE PETITIONER AND THE UTTER LACK OF ANY GOOD OR SPECIAL REASONS JUSTIFYING THE SAME.³⁷

Petitioner’s Arguments

In her Petition and Reply³⁸ seeking to reverse and set aside the assailed CA dispositions and thus dismiss Wenifreda’s petition for cancellation in LRC Case No. P-443-99, Banguis insists on her original position adopted below that Section

³⁷ *Rollo*, pp. 18-19.

³⁸ *Id.* at 176-180.

108 of PD 1529 cannot apply in view of the contentious and controversial nature of her opposition to the petition for cancellation, which can be threshed out only in a separate proper proceeding where the court sits not merely as a land registration court, but as a court of general jurisdiction. She cites *Tagaytay-Taal Tourist Development Corporation v. Court of Appeals*,³⁹ *Liwag v. Court of Appeals*,⁴⁰ and *Vda. de Arceo v. Court of Appeals*,⁴¹ which made pronouncements to such effect.

Banguis adds that the instant case involved the partition of Adriano's estate which in effect transfers the subject property to Wenifreda and thus divests her and her son Adrian of their rights and interests therein; that based on the evidence she introduced, it should be concluded that the property belongs to her as it was acquired using solely her own funds and money borrowed from her sister, and because she has been in constant possession thereof, introducing improvements thereon through the years; that the subject property is owned in common by her and Adriano since it was acquired during their cohabitation; and that the CA erred in refusing to rule on the propriety of the trial court's grant of execution pending appeal.

Respondent's Arguments

In Wenifreda's Comment,⁴² it is stressed that the distinction between the trial court acting as a land registration court, on one hand, and its acting as a court of general jurisdiction, on the other, has been removed with the effectivity of PD 1529; thus, trial courts are no longer fettered by their former limited jurisdiction which enabled them to grant relief in land registration cases only when there is unanimity among the parties, or when none of them raises any adverse claims or serious objections. It is further argued that Banguis's claim of ownership cannot stand, for the evidence fails to indicate that she contributed to the purchase of the subject property, even as the deed of sale to the property itself shows that Adriano alone is the vendee thereof, and Banguis signed merely as a witness thereto. Finally, respondent explains that during the proceedings covering the motion for the issuance of a writ of execution pending appeal, Banguis was accorded the opportunity to participate, but she did not; as a result, the old title was cancelled and a new one was accordingly issued in its stead.

Our Ruling

The Court denies the Petition.

³⁹ 339 Phil. 377, 389 (1997).

⁴⁰ 259 Phil. 913, 919-921 (1989).

⁴¹ 264 Phil. 59, 64-65 (1990).

⁴² *Rollo*, pp. 162-173.

The trial court in LRC Case No. P-443-99 was not precluded from resolving the objections raised by Banguis in her opposition to the petition for cancellation; a separate action need not be filed in a different court exercising general jurisdiction. Banguis should be considered to have acquiesced and freely submitted the case to the trial court for complete determination on her opposition, when she went to trial and adduced and submitted all her relevant evidence to the court. “The active participation of the party against whom the action was brought, coupled with his failure to object to the jurisdiction of the court or quasi-judicial body where the action is pending, is tantamount to an invocation of that jurisdiction and a willingness to abide by the resolution of the case and will bar said party from later on impugning the court or body’s jurisdiction.”⁴³

Under Section 108 of PD 1529, the proceeding for the erasure, alteration, or amendment of a certificate of title may be resorted to in seven instances: (1) when registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; (2) when new interests have arisen or been created which do not appear upon the certificate; (3) when any error, omission or mistake was made in entering a certificate or any memorandum thereon or on any duplicate certificate; (4) when the name of any person on the certificate has been changed; (5) when the registered owner has been married, or, registered as married, the marriage has been terminated and no right or interest of heirs or creditors will thereby be affected; (6) when a corporation, which owned registered land and has been dissolved, has not conveyed the same within three years after its dissolution; and (7) when there is reasonable ground for the amendment or alteration of title.⁴⁴ The present case falls under (3) and (7), where the Registrar of Deeds of Bulacan committed an error in issuing TCT T-145321 in the name of “Adriano M. Tambuyat married to Rosario E. Banguis” when, in truth and in fact, respondent Wenifreda – and not Banguis – is Adriano’s lawful spouse.

Proceedings under Section 108 are “summary in nature, contemplating corrections or insertions of mistakes which are only clerical but certainly not controversial issues.”⁴⁵ Banguis’s opposition to the petition for cancellation ostensibly raised controversial issues involving her claimed ownership and the hereditary rights of Adrian, which she claims to be her son by Adriano. However, apart from the fact that evidence of Banguis’s ownership is irrelevant in Wenifreda’s petition, the evidence apparently indicates that Banguis could not be the owner of the subject property, while a resolution of the issue of succession is irrelevant and unnecessary to the complete determination of Wenifreda’s petition. The Court is thus led to the conclusion that the Registrar of Deeds of Bulacan simply erred in including Banguis in TCT T-145321 as Adriano’s spouse.

⁴³ *Maneja v. National Labor Relations Commission*, 353 Phil. 45, 60 (1998), citing *Marquez v. Secretary of Labor*, 253 Phil. 329, 336 (1989).

⁴⁴ See also *Paz v. Republic*, G.R. No. 157367, November 23, 2011, 661 SCRA 74, 81.

⁴⁵ *Bagayas v. Bagayas*, G.R. Nos. 187308 & 187517, September 18, 2013, 706 SCRA 73, 87 citing *Philippine Veterans Bank v. Valenzuela*, 660 Phil. 358 (2011).

As correctly ruled by the appellate court, the preponderance of evidence points to the fact that Wenifreda is the legitimate spouse of Adriano. Documentary evidence – among others, the parties’ respective marriage contracts, which, together with marriage certificates, are considered the primary evidence of a marital union⁴⁶ – indicates that Adriano was married to Wenifreda, while Banguis was married to Nolasco – and both marriages were subsisting at the time of the acquisition of the subject property and issuance of the certificate of title thereto. Thus, it cannot be said that Adriano and Banguis were husband and wife to each other; it cannot even be said that they have a common-law relationship at all. Consequently, Banguis cannot be included or named in TCT T-145321 as Adriano’s spouse; the right and privilege belonged to Wenifreda alone.

x x x Indeed, Philippine Law does not recognize common law marriages. A man and woman not legally married who cohabit for many years as husband and wife, who represent themselves to the public as husband and wife, and who are reputed to be husband and wife in the community where they live may be considered legally married in common law jurisdictions but not in the Philippines.

While it is true that our laws do not just brush aside the fact that such relationships are present in our society, and that they produce a community of properties and interests which is governed by law, authority exists in case law to the effect that such form of co-ownership requires that the man and woman living together must not in any way be incapacitated to contract marriage. In any case, herein petitioner has a subsisting marriage with another woman, a legal impediment which disqualified him from even legally marrying Vitaliana. In *Santero vs. CFI of Cavite*, the Court, thru Mr. Justice Paras, interpreting Art. 188 of the Civil Code (Support of Surviving Spouse and Children During Liquidation of Inventoried Property) stated: “Be it noted however that with respect to ‘spouse’, the same must be the legitimate ‘spouse’ (not common-law spouses).”

There is a view that under Article 332 of the Revised Penal Code, the term “spouse” embraces common law relation for purposes of exemption from criminal liability in cases of theft, swindling and malicious mischief committed or caused mutually by spouses. The Penal Code article, it is said, makes no distinction between a couple whose cohabitation is sanctioned by a sacrament or legal tie and another who are husband and wife de facto. But this view cannot even apply to the facts of the case at bar. **We hold that the provisions of the Civil Code, unless expressly providing to the contrary as in Article 144, when referring to a “spouse” contemplate a lawfully wedded spouse.** Petitioner vis-a-vis Vitaliana was not a lawfully-wedded spouse to her; in fact, he was not legally capacitated to marry her in her lifetime.⁴⁷ (Emphasis supplied)

The only issue that needed to be resolved in LRC Case No. P-443-99 is – who should be included in the title to the subject property as Adriano’s spouse, Banguis or Wenifreda? Was there error in placing Banguis’s name in the title as

⁴⁶ *Vda. De Chua v. Court of Appeals*, 350 Phil. 465, 483 (1998); *Vda. de Avenido v. Avenido*, G.R. No. 173540, January 22, 2014, 714 SCRA 447, 455.

⁴⁷ *Valino v. Adriano*, G.R. No. 182894, April 22, 2014, citing *Eugenio, Sr. v. Judge Velez*, 263 Phil. 1149, 1159-1160 (1990).

Adriano's spouse? If Banguis is Adriano's spouse, then there would be no need to amend or even cancel the title. On the other hand, if Wenifreda is Adriano's spouse, the inclusion of Banguis would then be erroneous, and TCT T-145321 would have to be cancelled. All that is required in resolving this issue is to determine who between them is Adriano's spouse; it was unnecessary for Banguis to prove that she is the actual owner of the property. Title to the property is different from the certificate of title to it.

x x x. In *Lee Tek Sheng v. Court of Appeals*, the Court made a clear distinction between title and the certificate of title:

The certificate referred to is that document issued by the Register of Deeds known as the Transfer Certificate of Title (TCT). By title, the law refers to ownership which is represented by that document. Petitioner apparently confuses certificate with title. Placing a parcel of land under the mantle of the Torrens system does not mean that ownership thereof can no longer be disputed. Ownership is different from a certificate of title. The TCT is only the best proof of ownership of a piece of land. Besides, the certificate cannot always be considered as conclusive evidence of ownership. Mere issuance of the certificate of title in the name of any person does not foreclose the possibility that the real property may be under co-ownership with persons not named in the certificate or that the registrant may only be a trustee or that other parties may have acquired interest subsequent to the issuance of the certificate of title. To repeat, registration is not the equivalent of title, but is only the best evidence thereof. Title as a concept of ownership should not be confused with the certificate of title as evidence of such ownership although both are interchangeably used. x x x.

Registration does not vest title; it is merely the evidence of such title. Land registration laws do not give the holder any better title than what he actually has.⁴⁸

Nonetheless, if Banguis felt that she had to go so far as to demonstrate that she is the true owner of the subject property in order to convince the trial court that there is no need to cancel TCT T-145321, then she was not precluded from presenting evidence to such effect. Understandably, with the quality of Wenifreda's documentary and other evidence, Banguis may have felt obliged to prove that beyond the certificate of title, she actually owned the property. Unfortunately for her, this Court is not convinced of her claimed ownership; the view taken by the CA must be adopted that she and Adriano could not have been co-owners of the subject property as she failed to present sufficient proof that she contributed to the purchase of the subject property, while the deed of sale covering the subject property showed that Adriano alone was the vendee. This Court is not a trier of facts, so it must rely on the findings of facts of the Court of Appeals,

⁴⁸ *Torbela v. Rosario*, G.R. No. 140528, December 7, 2011, 661 SCRA 633, 658-659.

which are thus considered conclusive and binding.⁴⁹ Moreover, the Court notes that while Banguis claims that she alone paid for the property using her own funds and money borrowed from her sister, she nonetheless acknowledges that Adriano is a co-owner thereof, thus implying that he contributed to its acquisition. Such contradictory statements cast serious doubts on her claim; basically, if she were the sole purchaser of the property, it would only be logical and natural for her to require that her name be placed on the deed of sale as the vendee, and not as mere witness – which is what actually occurred in this case. On the other hand, if Adriano contributed to its purchase, Banguis would have required that her name be placed on the deed as a co-vendee just the same. Her failure to explain why – despite her claims that she is the purchaser of the property – she allowed Adriano to be denominated as the sole vendee, renders her claim of ownership doubtful. “Where a party has the means in his power of rebutting and explaining the evidence adduced against him, if it does not tend to the truth, the omission to do so furnishes a strong inference against him.”⁵⁰ One cannot also ignore the principle that “the rules of evidence in the main are based on experience, logic, and common sense.”⁵¹

Neither can the Court believe Banguis’s assertion that Wenifreda’s petition for cancellation of TCT T-145321 is in reality a partition of Adriano’s estate which in effect transfers the subject property to Wenifreda and thus divests Banguis and her son Adrian of their rights and interests therein. LRC Case No. P-443-99 is simply a case for the correction of the wrongful entry in TCT T-145321; it simply aims to reflect the truth in the certificate of title – that Adriano is married to Wenifreda – and nothing else. It would have been a summary proceeding, but Banguis complicated matters by injecting her claims of ownership, which are irrelevant in the first place for, as earlier stated, registration is not the equivalent of title.

Finally, with the foregoing disquisition, it becomes unnecessary to resolve the other issues raised by the petitioner, particularly those relating to the trial court’s March 30, 2004 Order directing the issuance of a writ of execution pending appeal, as well as the April 14, 2004 Writ of Execution issued, as they have become moot and academic.

WHEREFORE, the Petition is **DENIED**. The February 14, 2012 Decision and July 26, 2012 Resolution of the Court of Appeals in CA-G.R. CV No. 84954 are **AFFIRMED**.

⁴⁹ *Philamlife. v. Gramaje*, 484 Phil. 880, 889 (2004).

⁵⁰ *Medija v. Patcho*, 217 Phil. 509, 522 (1984).

⁵¹ *People v. Toledo and Holgado*, 51 Phil. 825, 833 (1928).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ARTURO D. BRION
Associate Justice
Acting Chairperson


JOSE CATRAL MENDOZA
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
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.


ARTURO D. BRION
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


MARIA LOURDES P. A. SERENO
Chief Justice

