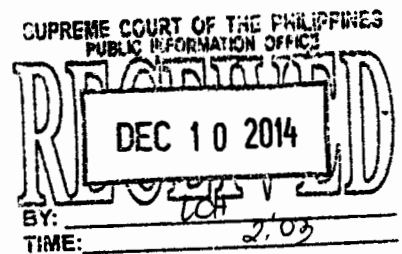




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated November 19, 2014, which reads as follows:

“G.R. No. 194347 (*Norma L. Santiago v. Liwayway Agustin, Celeste Agustin, Cirila Agustin, et al.*) – In 1967, Elma Icatar conveyed the subject lot in Antipolo City to Claro Agustin under a Land Purchase Agreement dated May 13, 1967 and a Deed of Absolute Sale dated August 15, 1973. However, this sale was not registered. Later, Icatar sold the same lot to Bartolome Santiago under a Deed of Absolute Sale dated August 28, 1978. After Santiago’s death, his heirs, one of which is petitioner Norma Santiago, caused the registration of the sale and the issuance of Transfer Certificate of Title (TCT) No. 267007 in his name. Sometime in 1995, Norma obtained registration of the lot in her name, representing her share in her father’s estate. Hence, TCT No. 267007 was cancelled, and another was issued in her name. Thus, respondents Liwayway Agustin, et al., filed a case for cancellation of title. In turn, Norma sued them for unlawful detainer.

On June 14, 1996, the Municipal Trial Court (MTC) of Antipolo City dismissed Norma’s unlawful detainer case. The Regional Trial Court (RTC) of Antipolo City, however, reversed the MTC decision on appeal. Later, the Court of Appeals (CA) reinstated the MTC decision. It ruled that Norma failed to prove that they were in prior possession when the Agustins entered the property. This decision became final and executory.

After due proceedings, the RTC denied the petition for cancellation of title. Both parties appealed from this ruling.

On July 30, 2010, the CA granted the Agustins’ petition and ordered the cancellation of the TCT in Norma’s name.

Norma thus filed a Petition for Review before the Court, questioning the CA decision. She claimed that the judgment in the ejectment case shall be conclusive with respect to the possession only and not on the title or ownership of the property. She reiterated that there is no evidence that she or her predecessor-in-interest was in bad faith. The subject property is a vacant lot, with no improvement or actual resident or occupant. There was

nothing on the property that would indicate any defect on their title or prompt them to investigate beyond what is reflected on the title.

The petition lacks merit.

Article 1544 of the Civil Code provides that in case of double sale of an immovable property, ownership shall be transferred: (1) to the person acquiring it who, in good faith, first recorded it with the Register of Deeds; (2) in default thereof, to the person who, in good faith, was first in possession; and (3) in default thereof, to the person who presents the oldest title, provided there is good faith. Norma cannot be considered a buyer in good faith.

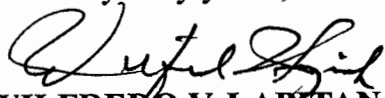
On the other hand, it was Claro Agustin, as first buyer, who had prior possession of the property in good faith. There was no evidence that he and his successors-in-interest were ever interrupted in their peaceful possession. He fenced the property, grew plants on it, and hired a caretaker to oversee the lot. Norma was thus deemed notified of the Agustins' prior actual possession of the property, defeating her defense of good faith.

Although the title itself did not reflect the deed of sale in Claro Agustin's favor, his actual and adverse possession, by itself, served as notice to anyone dealing with the property. If Norma's predecessor-in-interest, Bartolome, simply proceeded with the purchase of the lot without verifying its physical condition, he acted without the requisite diligence of a good father of a family. The registration, therefore, of the property in Bartolome's name did not defeat the title of the Agustins, who had already acquired ownership through the public deeds of sale and his actual possession of the property.

WHEREFORE, the petition is **DENIED** for petitioner's failure to show any reversible error in the assailed CA decision.

SO ORDERED."

Very truly yours,


WILFREDO V. LAPITAN

Division Clerk of Court

11/27/14

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CIRILA AGUSTIN, CONRADO AGUSTIN, CLARO
AGUSTIN, JR., CRISELDA AGUSTIN, CONSUELO
AGUSTIN AND CRISANTA AGUSTIN
Respondents

The Presiding Judge
REGIONAL TRIAL COURT
Branch 74, 1870 Antipolo City
(Civil Case No.95-3652)

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