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Teehankee and *Makasiar, JJ.*, concur in the result.

Antonio, J., took no part.

Barrredo, J., Concurs. While I am not fully satisfied that appellants were entirely aware of the meaning of their plea of guilty, I find that the rebuttal evidence of the prosecution proved their guilt, which evidence the appellants did not dispute.

Muñoz Palma, J., Concurs. I would state however that the rulings in *People vs. Parete* and *People vs. Santos, et al.,* cited in page 7 of the Opinion must be taken in conjunction with recent jurisprudence that extra solicitous care is required in the admission of a plea of guilty and that the taking of testimony and other evidence notwithstanding a plea of guilty is the prudent and proper course to follow by trial judges. (*People vs. Villafuerte,* March 28, 1974, citing numerous cases; *People vs. Hondolero,* August 25, 1976). These safeguards appear to have been taken in the instant case.

FIRST DIVISION

[G.R. No. L-36557. October 25, 1977]

HONESTO GAYOTIN, *petitioner, vs.* **MARTA TOLENTINO, SEVERINA TOLENTINO and MANUEL TOLENTINO,** *respondents.*

SYLLABUS

1. CIVIL LAW; LACHES; DETERMINATION OF; DOCTRINE INAPPLICABLE.— "The defense of laches is an equitable one concerned only with whether or not by reason of the plaintiff's long inaction or inexcusable neglect, he should be barred from asserting (his) claim at all, because to allow him to do so would be inequitable and unjust to defendant." (*Pabalate vs. Echarri,*

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Jr., 37 SCRA 518) The facts show no such "long inaction or inexcusable neglect" on respondents' part. It is manifest that they were still minors at the time of the void sale in 1932 and that when they executed in December, 1946 the document recognizing the sale made by their father who died in 1935, one of them was still a minor and could not sign the document. Within two and a half years later, in July 1949 (and later in March 1950) they promptly repudiated the document and file suit for recovery of the land.

2. **ID.; LAND TITLES AND DEEDS; HOMESTEAD; VENDEE OF HOMESTEAD LAND IS ENTITLED ONLY TO REIMBURSEMENT OF THE VALUE OF THE LAND BUT NOT THE VALUE OF THE IMPROVEMENTS HE INTRODUCED THEREON.**— Petitioner is entitled only to reimbursement of the price of ₱280.00 but not of the value of the improvements. Payment of such price of ₱280.00 should be made by respondents to petitioner within 90 days and should they fail to do so, petitioner may apply for a writ of execution against them to satisfy the said sum of ₱280.00, following the procedure in *Oliveros vs. Porciongcola*, 69 Phil. 305. Petitioner is entitled to no more, much less the value of the improvements, because as was held in *Angeles vs. Court of Appeals*, 102 Phil. 1006, "the heirs of the homestead should be declared to have lost and forfeited the value of the products gathered from the land and so should the defendants lose the value of the necessary improvements that they have made thereon." Petitioner has enjoyed the fruits and products of the land for 27 years — since the filing of the suit below (which should by right have pertained to respondents) and he cannot be heard to complain of any inequity or injustice.

APPEARANCES OF COUNSEL

Sycip Salazar Luna Manalo & Feliciano for petitioner.
Jose N. Contreras for respondents.

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DECISION

FERNANDEZ, *J.*:

This is a petition for *certiorari* to review the decision of the Court of Appeals in CA-G.R. No. 29611-R entitled "*Marta Tolentino, et al., Plaintiffs-Appellants vs. Honesto Gayotin, et al., Defendants-Appellees*" declaring the plaintiffs-appellants to be the absolute and lawful owners of the land in-question and ordering the defendant-appellee, petitioner herein, to deliver the possession thereof to the plaintiffs.

The background facts are as follows:

The respondents, Marta Tolentino, Severina Tolentino and Manuel Tolentino, are the children of the spouses Felipe Tolentino and Catalina Mayorga both of whom are now deceased. In September 1931, Homestead Patent No. 167835 embracing a parcel of land with an area of 17 hectares 76 ares and 81 centares, more or less, situated in Pinagsabañgan, Naujan, Oriental Mindoro was issued in the name of Felipe Tolentino. Said patent was registered in the Registry of Deeds of Mindoro, now Oriental Mindoro, on October 20, 1931 and Original Certificate of Title No. 1313 was issued to Felipe Tolentino.

In 1932 Felipe Tolentino sold the southern portion of the land embraced in Original Certificate of Title No. 1313 containing an area of seven hectares to the spouses Honesto Gayotin and Apolonia Cantos for a consideration of ₱280.00 but no deed of sale was executed. The defendant Honesto Gayotin immediately took possession of the portion of land sold to him.

Felipe Tolentino died in 1935 and his wife also subsequently died in 1937. They were survived by their children, plaintiffs Marta Tolentino, Severino Tolentino and Manuel Tolentino, and Servillano Tolentino.

On December 7, 1946 said Marta Tolentino, Severino Tolentino and Manuel Tolentino together with one Servillano Tolentino purportedly executed a private document entitled "Deed of Absolute Sale" confirming the sale of the portion of land in

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question made by their father. (Exh. "1"). The Court of Appeals, however, expressly found in its decision that "It must be noted that in Exhibit 1, one of the heirs by the name of Servillano did not sign for he was still a minor."[1]

The land in question was declared for taxation purposes in the name of Felipe Tolentino from 1929 to 1937 under Tax Declaration No. 4393 (Exh. "C"), Tax Declaration No. 10778 (Exh. "C-1") and Tax Declaration No. 11386 (Exh. "C-2"). In 1947 the land was declared for taxation in the name of the heirs of Felipe Tolentino under Tax Declaration No. 13141 (Exh. "C-3") and in 1948 Tax Declaration No. 5802 (Exh. "C-4") in the name of Felipe Tolentino, — Marta Tolentino, administratrix, was issued. Taxes on the land in question were paid by respondents under Official Receipts No. A-4255071 (Exh. "D"), No. I-37679 (Exh. "D-1") and No. X-98832 (Exh. "D-2"). No taxes appear to have been even paid on the land by petitioner and the same remained declared for tax purposes in the name of Felipe Tolentino and after his death in the name of his heirs. The original certificate of title in the name of Felipe Tolentino was never cancelled or transferred to petitioner.

In July 1949 Marta Tolentino, Severino Tolentino, Manuel Tolentino and Servillano Tolentino allegedly commenced Civil Case No. V-226 in the Court of First Instance of Oriental Mindoro against Honesto Gayotin and two other persons to recover the land in question, as covered by the subsisting original certificate of title issued in the name of Felipe Tolentino. The plaintiffs failed to appear at the trial. Hence Civil Case No. V-226 was dismissed in an order dated February 7, 1950.

The plaintiffs[2] thereafter instituted on March 27, 1950 Civil Case V-264 in the Court of First Instance of Oriental Mindoro against Honesto Gayotin and Nemesio Asinas for the recovery of the same land in question. The case was settled as to the

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[1] Court of Appeals decision, page 82. *Rollo*, page XII.

[2] For reasons not explained in the record, the name of Servillano Tolentino appears to have been omitted as plaintiff in this second complaint.

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defendant Nemesio Asinas and the plaintiff filed an amended complaint dated March 20, 1951 against Honesto Gayotin only.

It was alleged in the amended complaint in Civil Case No. V-264 that:

"3-a Upon the death of Catalina Mayorga in the year stated in paragraph 2-a of this amended complaint, the defendant, taking advantage of the minority of the plaintiffs who were then all minors, commenced usurping the southern portion of the plaintiff's land described in paragraph 2 hereof, and unlawfully took possession of the said portion which is more particularly described as follows:

'The southern portion bounded on the N. by part of the same land, on the E. by part also of the same land, on the S. by Macatok River, and on the W. by Jacinto Albotra; x x x x x x x containing an area of about 7 hectares';

"4. The defendant Honesto Gayotin has been disturbing the plaintiffs' property rights of dominion, enjoyment and possession of the land described in paragraph 2 hereof by wrongfully usurping its southern portion described in the immediately preceding paragraph, and despite repeated demands and vigorous objections and protests from the plaintiffs this defendant Honesto Gayotin has exercised and continues to exercise acts over the aforesaid southern portion in derogation of the plaintiffs' title and ownership, to the damage of the latter who have been unjustly deprived of the harvest from the said portion; the amount of the said harvest and/or its value shall be proved in the trial of this case as the said amount and/or value can not now be determined for the reason that the defendant still continues to reap the harvest from the aforesaid southern portion usurped by him." (*Rollo*, p. 58, Record, on Appeal, pp. 14-15)

In his answer to the original complaint the defendant Honesto Gayotin interposed the following specific defenses:

"(a) That sometime prior to his death in 1935, Felipe Tolentino sold, conveyed, and transferred to defendant Honesto Gayotin for ₱280.00 in Philippine currency the land in question between him and the plaintiffs with the understanding that the corresponding deed of sale will be executed by him at a later date, but unfortunately the same could not be done due to the fact that he became sick from which sickness he did not recover;

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"(b) That since 1935 and for about 15 years now, defendant Honesto Gayotin, with the knowledge of the plaintiffs, has been in possession of the land in question between them as owner, in a manner open, public continuous, under a claim of title adverse to all other claimants and exclusively of any other's rights, having spent in its clearing, cultivation, and improvement about ₱5,000.00, and for that matter alone the land in question now belongs to defendant Honesto Gayotin by acquisitive prescription;

"(c) That in December, 1946, plaintiffs as presumptive heirs of the late Felipe Tolentino executed a document wherein they recognized the sale of the land in question made by their father to defendant Honesto Gayotin;

"(d) That on July 11, 1949, plaintiffs file Civil Case No. V-226 of this Court of the recovery of the same land, entitled '*Marta Tolentino, Severino Tolentino, Manuel Tolentino, and Servillano Tolentino, Plaintiffs, versus Honesto Gayotin, Nemesio Asinas and Cesario Reyes, Defendants,*' but after defendants have hired their counsels, filed their answers, and appeared several times before the Court ready for trial, plaintiffs failed to appear and prosecute, with consequence that this Hon. Court issued an order on February 7, 1950, dismissing the said case with costs, thereby causing defendant Honesto Gayotin damages in the amount of ₱500.00 which he paid his counsel as partial payment of the agreed professional fee of ₱1,000.00;

"(e) That the present action is frivolous and was filed for the second time at the instance of certain parties interested in the land in question now that it is already cleared and converted into rice paddies defendant Honesto Gayotin, thus said defendant is again compelled to secure the professional services of undersigned counsel for ₱1,000.00;

"(f) That whatever right of action the plaintiffs may have had in relation to the land in question said right of action is now barred by Statute of Limitation as well as by estoppel." (*Rollo*, p. 58, Record, on Appeal, pp. 9-10)

The plaintiffs and defendant Honesto Gayotin submitted on June 6, 1956 in Civil Case No. V-264 the following:

"STIPULATIONS

"The parties and their respective attorneys in this case stipulated that:

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1. The land in question is correctly described in the plaintiffs' complaint, said land being the Southern portion of a registered parcel covered by and described in Homestead Patent No. 167835; O.C.T. No. 1313-Mindoro (Exhibit A); issued on September 29, 1931 in favor and in the name of the now deceased Felipe Tolentino who died on February 28, 1934 (Exhibit B, B-1);

"2. The land in question in this case was declared for taxation purposes in the name of Felipe Tolentino from the year 1929 to 1937 under Tax Dec. No. 4393 (Exhibit C-1) and Tax Dec. No. 11386 (Exhibit C-2) and declared in the name of the heirs of Felipe Tolentino in 1947 under Tax Dec. No. 13141 (Exhibit C-3) and in 1948 in the name of Felipe Tolentino – Marta Tolentino, administratrix, under Tax Dec. No. 5802 (Exhibit C-4); and that taxes on the land in question were paid under Official Receipts Nos. A-4255071 (Exhibit D), No. 1-37679 (Exhibit D-1) and No. X-98832 (Exhibit D-2);

"3. The foregoing stipulations are submitted for the purpose of dispensing with the presentation of evidence on these undisputed matters, thereby limiting or narrowing the issues on which evidence should be presented.

"June 6, 1956.

(Sgd.) MARTA TOLENTINO
Plaintiff

(Sgd.) HONESTO GAYOTIN
Defendant

(Sgd.) Jose N. Contreras
Attorney for plaintiffs

(Sgd.) Luciano Joson
Attorney for Defendant"

(*Rollo*, p. 58, Record on Appeal, p. 16)

The parties also stipulated on August 9, 1956 that the plaintiffs are the children of the deceased Felipe Tolentino and his wife Catalina Mayorga who was also deceased. (*Rollo*, p. 58, Record on Appeal, p. 17)

In a decision dated July 16, 1960 the trial court declared that plaintiffs-respondents already lost their right to the possession of the land in question through estoppel by laches and dismissed the case with costs. (*Rollo*, p. 58, Record on Appeal, pp. 21-22)

Plaintiffs-respondents appealed to the Court of Appeals, assigning the following errors:

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I

"THE LOWER COURT ERRED IN FAILING TO CONSIDER AND OVERLOOKING UNDISPUTED MATERIAL FACTS WHICH DECISIVELY ARGUE AGAINST DEFENDANTS' CLAIM OF OWNERSHIP, NAMELY, THAT THE LAND IN CONTROVERSY WAS NEVER DECLARED FOR THE PURPOSE OF TAXATION IN DEFENDANTS' NAME; THAT SAID DEFENDANTS NEVER PAID THE TAXES FOR SAID LAND, AND THAT THE ORIGINAL CERTIFICATE OF TITLE IN THE NAME OF PLAINTIFFS' PREDECESSOR IN INTEREST, O.C.T. NO. 1313-MINDORO, WAS NOT CANCELLED AND/OR TRANSFERRED TO DEFENDANTS.

II

"THE LOWER COURT ERRED IN FINDING FOR THE DEFENDANTS AND IN HOLDING THAT THE PLAINTIFFS HAVE ALREADY LOST THEIR RIGHT TO THE POSSESSION OF THE LAND IN CONTROVERSY, SAID HOLDING BEING CONTRARY TO AND IN CONTRAVENTION OF THE SPECIFIC PROVISION OF LAW, MORE PARTICULARLY SECTION 118 OF COMMONWEALTH ACT 141, AS AMENDED.

III

"FINALLY, THE LOWER COURT ERRED IN APPLYING THE DOCTRINE OF 'ESTOPPEL BY LACHES' ENUNCIATED IN THE CASE OF *CONCORDIA MEJIA DE LUCAS VS. ANDRES GAMPONIA*, 53 O. G. No. 3, FEBRUARY 15, 1957, G.R. NO. L-9335. IT WAS ERRONEOUS FOR THE LOWER COURT TO RELY ON SAID DOCTRINE FOR THE REASON THAT ALL THE INDISPENSABLE ELEMENTS OF ESTOPPEL BY LACHES A NOT PRESENT IN THE INSTANT CASE AND THE LOWER COURT LIKEWISE ERRED IN APPLYING TO THE CASE-AT BAR THE ABOVE-CITED *MEJIA DE LUCAS VS. GAMPONIA* CONSIDERING THAT THE FACTS IN THE LATTER WERE ENTIRELY DIFFERENT FROM THE FACTS IN THE FORMER."

(*Rollo*, p. 61, Brief for the Appellants, pp. 3-4)

On February 6, 1973 the Court of Appeals reversed the decision of the trial court and declared plaintiffs (herein respondents) to be the absolute and lawful owner of the land in question and ordered the defendant (herein petitioner) to deliver the possession thereof to plaintiffs (herein respondents) without costs, because:

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"The lower court in deciding the case in favor of the defendant cited the case of *Mejia de Lucas vs. Andres Gamponia,* 53 O.G. No. 3, February 15, 1957, G.R. No. L-9335, October 31, 1957, but in the case of *J.M. Tuason & Co., Inc. vs. Macalindong, 6* SCRA 938, the Supreme Court, Citing Art. 348 of the Civil Code declared that 'the right of the owner to file an action to recover possession based on its Torrens Title is imprescriptible and not barred under the doctrine of laches.'

"The defendant seeks umbrage on the fact that in 1932 said Felipe Tolentino sold the land in question to the spouses Honesto Gayotin and Apolonia Cantos for the sum of ₱280.00, although no deed of sale was executed and that on December 7, 1946, Marta Tolentino, Severina Tolentino, Manuel Tolentino and one Servillano Tolentino executed a private document entitled 'Deed of Absolute Sale' confirming the sale of the said portion of land in question made by their father and that the defendant Honesto Gayotin has been in possession of the land in question since 1932 up to the time Honesto Gayotin was testifying on October 27, 1959. The homestead patent No. 16835 issued in the name of Felipe Tolentino was issued on September 26, 1931 and certificate of title No. 1313 was issued on October 20, 1931. On that year 1931, the law enforced was already Act No. 2874 and that law prohibits the alienation, disposal or encumbering of such land within five years from the date of issuance of the patent. The sale made by Felipe Tolentino on a portion of the land covered by patent No.16835 and certificate of title No. 1313 was null and void because it is contrary to the provisions of Act No. 2874, and contrary to an announced public policy of the government. Exhibit 1 for the defendant, which is entitled 'Deed of Absolute Sale,' 'cannot validate to the illegal and invalid sale made by the registered owner, Felipe Tolentino. As a matter of fact, while Exhibit 1 is entitled 'Deed of Absolute Sale,' yet the substance of said document is only to confirm the sale of the said portion of land in question by said Felipe Tolentino. As a matter of fact, in the answer filed by the defendant-appellee, is stated as follows:

> '(a) That sometime prior to his death in 1935, Felipe Tolentino sold, conveyed, and transferred to defendant Honesto Gayotin for ₱280.00 in Philippine Currency the land in question between him and the plaintiffs; that in December, 1946, plaintiffs as presumptive heirs of the late Felipe Tolentino executed a document wherein they recognized the sale of the land in question made by their father to defendant Honesto Gayotin.'

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"In other words, the validity of Exhibit 1, which is just a confirmation of sale, or in the words of the defendant, a recognition of the sale of the land in question, depends upon the validity of the sale made by Felipe Tolentino. The sale made by Felipe Tolentino being null and void, consequently, the confirmation does not change the nature of the sale or the invalidity, for an absolutely void act cannot be subsequently validated by the heirs. It must he noted that in Exhibit 1, one of the heirs by the name of Servillano did not sign for he was still a minor." (*Rollo*, pp. 38-40, Decision of the Court of Appeals in (CA-G.R. No. 29611-R, p. 9-11)

The defendant, Honesto Gayotin now petitioner, contends that the decision of the Court of Appeals is erroneous on the following grounds:

"1. Failure to assign as error the trial court's conclusion that laches in a valid defense to the action operated as a waiver thereof, such that the Court of Appeals should not have considered, much less passed judgment on, said 'question.'

"2. Notwithstanding the case of *J. M. Tuason & Co., Inc. v. Macalindong*, the ruling in *Mejia de Lucas v. Gamponia* was never abandoned. To the contrary, it was adhered to and reiterated with consistency in several decisions of the Honorable Court.

"3. Petitioner-vendee is entitled to reimbursement of the price he paid for the land and the value of the improvements he had introduced thereon."

Petition, *Rollo*, p. 14)

On the basis of the undisputed facts of record recited above, the decision of the Court of Appeals must be affirmed.

The first assignment of error that respondents failed to assail in their appeal the trial court's conclusion that their action was barred by laches and the Court of Appeals should not have overruled the trial court's erroneous conclusion is mere sophistry. As may be readily seen from respondents' assignment of error in their brief in the Court of Appeals, they expressly asserted that "the lower court erred in applying the doctrine of 'estoppel by laches' . . . It was erroneous for the lower court to rely on said doctrine for the reason that all the indispensable elements of estoppel by laches are not present in the instant case."

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The Court of Appeals therefore correctly cited the established doctrine in favor of respondents, *mutatis mutandis*, that "because the subject of the transaction is a piece of public land, public policy requires that [plaintiffs], as heir(s), be not prevented from reacquiring it because it was given by law to [their] family for [their] home and cultivation. This is the policy on which our homestead law is predicated (*Pascual v. Talens, supra*). This right cannot be waived. 'It is not within the competence of any' citizen to barter away what public policy by law seeks to preserve.' (*Gonzalo Puyat and Sons, Inc. v. Pantaleon de las Ama, et al.*, 74 Phil. 3)." (Land Registration & Mortgages by Francisco, pp. 586-587, third edition)[3]

The Court of Appeals likewise correctly rejected petitioner's defense of laches, since "the defense of laches is an equitable one concerned only with whether or not by reason of the plaintiff's long inaction or inexcusable neglect, he should be barred from asserting (his) claim at all, because to allow him to do so would be inequitable and unjust to defendant." (*Pabalate vs. Echarri, Jr.*, 37 SCRA 518) The facts show no such "long inaction or inexcusable neglect" on respondents' part. It is manifest that they were still minors at the time of the void sale in 1932 and that when they executed in December, 1946 the document recognizing the sale made by their father who died in 1935, one of them was still a minor and could not sign the document. Within two and a half years later, in July 1949 (and later in March 1950) they promptly repudiated the document and file suit for recovery of the land.

As to petitioner's second assignment of error, the ruling of *Lucas vs. Gamponia,* 100 Phil. 277, on laches where the patentee's right to recover possession of the property was converted into an unenforceable stale demand by patentee's long inaction and neglect for 37 years notwithstanding that defendant's possession

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[3] Court of Appeals' decision, page 82, *Rollo*, pages XIII-XIV.

[4] See also *Santander vs. Villanueva,* 103 Phil. 1, where it was held that "the sale being null and void *ab initio*, [the homesteader] never lost ownership over the land in question and [vendee's] right is reduced to nothing more than to recover the price paid by [them] for said land, which is ₱480.00 only."

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for the said period could not destroy the patentee's indefeasible title finds no application in the instant case.

On the third assignment of error, we find that petitioner is entitled only to reimbursement of the price of ₱280.00 but not of the value of the improvements. Payment of such price of ₱280.00 should be made by respondents to petitioner within 90 days and should they fail to do so, petitioner may apply for a writ of execution against them to satisfy the said sum of ₱280.00, following the procedure in *Oliveros vs. Porciongcola,* 69 Phil. 305.[4] Petitioner is entitled to no more, much less the value of the improvements, because as was held in *Angeles vs. Court of Appeals,* 102 Phil. 1006, "the heirs of the homestead should be declared to have lost and forfeited the value of the products gathered from the land and so should the defendants lose the value of the necessary improvements that they have made thereon." Petitioner has enjoyed the fruits and products of the land for 27 years — since the filing of the suit below (which should by right have pertained to respondents) and he cannot be heard to complain of any inequity or injustice.

WHEREFORE, the decision of the Court of Appeals is hereby affirmed, with the modification that respondents shall pay petitioner the sum of ₱280.00 by way of reimbursement of the price of the void sale, as stated in the preceding paragraph.

In view of the long pendency of the case since respondents' filing thereof in 1950, during which time they have been wrongfully deprived of the possession and enjoyment of the property, this judgment is declared immediately executory upon its promulgation. Petitioner is ordered to forthwith surrender the land and its improvements to respondents upon notice hereof and upon his failure to do so, respondents may apply to the court *a quo* for a writ of execution and immediate possession upon the strength of this decision and without awaiting the remand of the records.

With costs against petitioner in all instances.

Teehankee (Chairman), Makasiar, Muñoz Palma, Martin, and *Guerrero, JJ.*, concur.