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the lower court, dated January 25, 1974 and June 15, 1974, allowing the retention of the allegation of conspiracy and the reference to Criminal Cases Nos. 4747 and 4748 in the informations filed in Criminal Cases Nos. 9673 and 9674, are SUSTAINED.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, and *Plana, JJ.,* concur.

Vasquez, J., In the result. The complications that arose in this case could have been avoided if the trial granted, as he should have, the motion of Special Prosecutor Lopez to amend the two informations in CC Nos. 4747 and 4748 so as to include Padilla and Ongchenco as co-accused of Ruiz, and in conspiring with the latter. The effect would be the same as the result upheld in the main opinion, if all the cases will be consolidated for joint trial.

Gutierrez, Jr., J., no part.

FIRST DIVISION

[G.R. No. L-44100. April 28, 1983]

SPECIAL SERVICES CORPORATION, petitioner, *vs.* CENTRO LA PAZ (SAMAHANG ESPIRITISTA SA LUNDUYANG LA PAZ), A CHAPTER OF UNION ESPIRITISTA CRISTIANA DE FILIPINAS, INC., respondent.

SYLLABUS

1. REMEDIAL LAW; ACTION; PARTIES; JURIDICAL PERSONALITY TO SUE AND BE SUED IN A REPRESENTATIVE CAPACITY.— Evident from all the foregoing is that although it was CENTRO that was actively prosecuting the case, in substance, it was representing the mother organization, the Union Espiritista Cristiana de Filipinas, Inc., which is the real party in interest and is itself named in the

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Complaint. It is an organization that is duly registered with the Securities and Exchange Commission, and thus possessed of a juridical personality to sue and be sued.

2. CIVIL LAW; TRUST; FACT OF REGISTRATION DOES NOT BAR EVIDENCE THAT PROPERTY IS HELD IN TRUST; CASE AT BAR.— As found by both the Trial Court and respondent Appellate Court, the evidence sufficiently establishes that the registered owners of the parcels of land covered by TCT 51837, all of whom are members of CENTRO, hold the properties in trust for CENTRO by virtue of the indubitable documents executed even before the institution of suit. In the same manner that real property, registered solely in the name of husband, can be proven to be conjugal property with his wife, the fact of registration in the name of Alejandro Estudillo and others does not bar evidence to show that the registered owners hold the properties in trust for CENTRO.

3. ID.; ID.; PROPERTY HELD IN UNREGISTERED TRUST DEEMED REGISTERED UPON KNOWLEDGE OF THIRD-PARTY CLAIM.— Admittedly, the trust was not registered in accordance with Section 65 of Act 496 (the former Land Registration Law). The absence of said registration, however, cannot be taken against CENTRO inasmuch as, if the public auction sale had actually been held, with petitioner as the successful buyer, petitioner could not have been considered a purchaser for value and in good faith at said sale since it had knowledge of CENTRO's claim, particularly when the latter had filed a third-party-claim with the Sheriff of Manila before the scheduled auction sale, which knowledge was equivalent to registration of the several "Acknowledgments" in the Registry of Deeds.

4. REMEDIAL LAW; JUDGMENT; EXECUTION; EXTENDS ONLY TO PROPERTIES UNQUESTIONABLY OWNED BY JUDGMENT DEBTOR; CASE AT BAR.— The conclusion follows that inasmuch as Estudillo has no interest in the properties in question, there is nothing that petitioner can levy upon. The power of a court in the execution of its judgment extends only over properties unquestionably belonging to the judgment debtor.

APPEARANCES OF COUNSEL

R.L. Vega & Assoc. for petitioner.
Fortunato V. Panganiban for respondent.

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DECISION

MELENCIO-HERRERA, *J.*:

This is a Petition for Review on Certiorari of the Decision promulgated on May 11, 1976 by respondent Court of Appeals[1] in CA-G.R. No. 56582-R, entitled "Centro La Paz (Samahang Espiritista sa Lunduyang La Paz) a Chapter of Union Espiritista Cristiana de Filipinas, Inc. *vs.* The Sheriff of Manila and the Special Services Corporation." The Union Espiritista Cristiana de Filipinas, Inc., is a semi-religious and charitable organization.[2]

The antecedental facts follow:

On October 10, 1972, judgment was rendered in favor of petitioner Special Services Corporation by the Court of First Instance, Branch IV, Manila, against one Alejandro Estudillo in the amount of ₱94,727.52, more or less, in an action for Replevin with Sum of Money (Civil Case No. 85819). A writ of execution was thereafter issued but which has remained unsatisfied.

By virtue of an alias writ of execution issued on December 15, 1972, the Sheriff of Manila caused the annotation of a notice of levy on Transfer Certificate of Title No. 51837, in respect of the rights, interest and participation of said Alejandro Estudillo, one of the registered owners indicated in said title. That title covers two parcels of land situated in Sampaloc, Manila, consisting of three hundred forty eight (348) square meters and registered in the names of Alejandro Estudillo, married to Primitiva Victoria; Joaquina de la Rosa, widow; Pedro Paguio, married to Amor Jose and Maximo Victoria, married to Juliana Roberto, all Chapter members.

The public auction sale of Estudillo's rights and interests in said properties was scheduled on July 23, 1973.

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[1] Justice Ramon C. Fernandez, *ponente*, concurred in by Justices Ricardo C. Puno and Delfin Fl. Batacan.

[2] Complaint, p. 1, Record on Appeal.

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On June 27, 1973, Alejandro Estudillo filed a "Motion to Dissolve and/or Cancel the Notice of Levy" alleging that he and the other registered owners indicated on the title merely held in trust the properties and improvements thereon in favor of respondent Centro La Paz (Samahang Espiritista Sa Lunduyang La Paz) a chapter of Union Espiritista Cristiana de Filipinas, Inc. (hereinafter referred to as CENTRO, for brevity), as evidenced by "Acknowledgments" executed by them on October 20, 1961 and October 2, 1971. Estudillo further alleged that CENTRO's ownership was also evidenced by letters dated February 15, 1963, November 29, 1963 and August 8, 1966 sent to the City Assessor by him and Crispulo Romero, President of CENTRO, long before the filing of the replevin case on December 28, 1971 praying for the revocation of tax assessments on said properties as the same were used for religious purposes.[3]

On July 21, 1973, CENTRO submitted a third party claim to the Sheriff of Manila likewise averring exclusive ownership of the properties in question.[4]

On July 23, 1973, "Centro la Paz (Samahang Espiritista sa Lunduyang La Paz) A Chapter of Union Espiritista Cristiana de Filipinas, Inc." as plaintiff, instituted Civil Case No. 91412 for Damages and Preliminary Injunction against herein petitioner and the Sheriff of Manila with the Court of First Instance, Branch IV, Manila, the same Court which rendered judgment in the replevin case. CENTRO reiterated ownership of the properties in question and emphasized that the registered owners thereof had publicly acknowledged their possession of said properties in the concept of trustees.[5]

In its "Opposition to Petition for Preliminary Injunction and Answer," petitioner averred that a Torrens Title issued in favor of an owner is conclusive of all matters stated therein and that

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[3] Exhibit "P", pp. 24-26, Folder of Exhibits.

[4] Exhibit "R", pp. 29-31, *ibid.*

[5] pp. 1-4, Record on Appeal.

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the "Acknowledgments" of the registered owners not being annotated on Transfer Certificates of Title No. 51837 could not bind anyone.[6]

On August 27, 1973, a writ of preliminary injunction was issued by the lower Court enjoining the public auction sale of Estudillo's interest in the properties in question[7], conditioned upon CENTRO's posting a bond of ₱30,000.00.

In a judgment rendered on August 30, 1974, the Court *a quo* decreed in the dispositive portion:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, judgment is hereby rendered in favor of the plaintiff, against the defendants, enjoining the latter from proceeding with the public auction sale of the real property, pursuant to the notice of sale on execution of real property, with costs against the defendant.

"The writ of preliminary injunction issued in connection with this case is, as it is hereby made permanent.

"Defendant's counterclaim is, as it is hereby ordered dismissed for lack of merit.

SO ORDERED."[8]

The lower Court held that by a preponderance of evidence CENTRO had established that it was "really the true and lawful owner of the property in dispute, and that the persons registered therein as its owners are merely trustees of the plaintiff," thus:

"The evidence on hand clearly preponderates in favor of the plaintiff. The series of documents executed even as early as 1957, long before the issue of whether Alejandro Estudillo really has an interest and/or participation in the property in dispute, attest to plaintiff's ownership of the property in question. The Deed of Donation dated March 13, 1957 (Exh. A), Deed of Absolute Sale (Exh. E) executed by Joaquina dela Rosa in favor of Alejandro Estudillo, Pedro Paguio and Maximo Victoria of the same property covered by the Deed of Donation, Exhibit A; Deed of Sale (Exh. F) of two parcels in dispute described under T.C.T. No. 51837 executed

[6] pp. 7-10, *ibid.*

[7] p. 15, *ibid.*

[8] p. 55, *ibid.*

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by Sta. Mesa Realty, Inc. in favor of Alejandro Estudillo, Joaquina dela Rosa, Pedro Q. Paguio and Maximo Victoria, Deed of Acknowledgment dated October 30, 1961 (Exh. G) also executed by the same Estudillo, de la Rosa and Victoria acknowledging that the property described under the aforementioned T.C.T. No. 51837, together with the improvements thereon are being possessed by them only as trustees; another Deed of Acknowledgment executed on October 22, 1971, jointly by Amor Jose, widow of Paguio and the latter's daughters, Sumilang Paguio and Filipina Paguio (co-registered owner of Estudillo) likewise declaring that their possession of the said property is merely that of trustees and not as owners; the petitions for revocation of tax assessments Nos. 3187 and 3188 (Exhs. I and J); the petition to exempt said parcels from taxation, being owned by a religious organization (Exh. K) and the follow-up letters addressed to the City Assessor of Manila, dated February 15, 1963 (Exh. L), December 29, 1963 (Exh. M) and May 29, 1962 (Exh. N) respectively, plus the Deed of Sale (Exh. O) executed by Estudillo, heirs of dela Rosa and Paguio of the two parcels in favor of Centro La Paz, indubitably point to one and inescapable conclusion - that the plaintiff is really the true and lawful owner of the property in dispute and that persons registered therein as its owners, are merely trustees of the plaintiff.

While it may be true that the declaration of Estudillo subsequent to the levy upon his interest in the aforesaid property may be self-serving, which could be for the purpose of avoiding liability, his declaration and that of his co-owners, however, taking place years before the instant controversy, could hardly be said to have been motivated by a similar purpose (to evade responsibility) since at that time, none as yet exist in favor of the defendant nor anybody else against the Estudillo. (Record on Appeal. pp. 54-55)"[9]

Faced with that adverse judgment, petitioner appealed to respondent Appellate Court, which affirmed the Court *a quo's* Decision on May 11, 1976, and subsequently denied reconsideration.

Petitioner then availed of the instant Petition, raising the following issues:

"1) Whether or not Centro La Paz which is merely a Chapter of Union Espiritista de Filipinas, Inc. has a juridical personality of its own in accordance with the provisions of our laws;

[9] pp. 23-24, Rollo.

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"2) Whether or not Centro La Paz, as claimed by it and the respondent Court of Appeals, can validly be conferred upon ownership of Transfer Certificate of Title No. 51837 by virtue of documents executed allegedly in its favor."

We affirm the judgment appealed from.

For one thing, the issues now raised were not directly litigated in the Court below. For another, it is evident from the Complaint that the plaintiff was the mother organization, thus:

"Centro La Paz (Samahang Espiritista sa Lunduyang La Paz) A Chapter of Union Espiritista Cristiana de Filipinas, Inc., Plaintiff."

Paragraph 1 of the Complaint likewise reads:

"1. That the plaintiff is a juridical person duly organized and existing under and by virtue of the laws of the Republic of the Philippines, a semi-religious and charitable organization, with a right to sue and be sued. . . ."

In the Offer of Evidence filed before the Trial Court, the purpose of presenting Exhibit "A", the Deed of Donation dated March 13, 1957, was "to establish or prove the following":

"(a) That the plaintiff "CENTRO LA PAZ" as a chapter of the association of spiritista commonly known as 'UNION ESPIRITISTA CRISTIANA DE FILIPINAS, INC.,' which is a duly registered corporation or entity with the Office of the Securities and Exchange Commission, is a Juridical Person with the right to sue and be sued; . . . ."[10]

In the Memorandum of CENTRO before the Trial Court, the following allegation also appears:

"That the plaintiff is a Chapter of the UNION ESPIRITISTA CRISTIANA DE FILIPINAS, INC., a semi-religious and charitable organization duly registered with the Securities and Exchange Commission as per Certificate of Registration No. 15147, dated March 19, 1959, . . .;"[11]

And, in the Decision of the Trial Court, it found:

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[10] p. 18, *ibid.*

[11] p. 38, *ibid.*

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"The evidence for the plaintiff disclosed that it is a chapter of the Union Espiritista Christiana de Filipinas, Inc., a semi-religious and charitable organization duly registered with the Securities and Exchange Commission per Certificate of Registration No. 15147 dated March 19, 1959.

. . . . . ."[12]

Evident from all the foregoing is that although it was CENTRO that was actively prosecuting the case, in substance, it was representing the mother organization, the Union Espiritista Cristiana de Filipinas, Inc., which is the real party in interest and is itself named in the Complaint. It is an organization that is duly registered with the Securities and Exchange Commission, and thus possessed of a juridical personality to sue and be sued.[13]

As found by both the Trial Court and respondent Appellate Court, the evidence sufficiently establishes that the registered owners of the parcels of land covered by TCT 51837, all of whom are members of CENTRO, hold the properties in trust for CENTRO by virtue of the indubitable documents executed even before the institution of suit. In the same manner that real property, registered solely in the name of a husband, can be proven to be conjugal property with his wife, the fact of registration in the name of Alejandro Estudillo and others does not bar evidence to show that the registered owners hold the properties in trust for CENTRO.[14]

Admittedly, the trust was not registered in accordance with Section 65 of Act 496 (the former Land Registration Law). The absence of said registration, however, cannot be taken against CENTRO inasmuch as, if the public auction sale had actually been held, with petitioner as the successful buyer, petitioner could not have been considered a purchaser for value and in good faith at said sale since it had knowledge of CENTRO's claim, particularly when the latter had filed a third-party-claim with the

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[12] p. 53, *ibid.*

[13] see Alonso *vs.* Villamor, 16 Phil. 315 (1910).

[14] Bucoy *vs.* Paulino, 23 SCRA 248 (1968).

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Sheriff of Manila before the scheduled auction sale, which knowledge was equivalent to registration of the several "Acknowledgments" in the Registry of Deeds.[15]

The conclusion follows that inasmuch as Estudillo has no interest in the properties in question, there is nothing that petitioner can levy upon. The power of a Court in the execution of its judgment extends only over properties unquestionably belonging to the judgment debtor.[16]

WHEREFORE, the judgment of respondent Court of Appeals (now Intermediate Appellate Court) affirming that of the Trial Court, which enjoined petitioner "from proceeding with the public auction sale of the properties in question, pursuant to the notice of sale on execution of real property" and made the writ of preliminary injunction permanent, is hereby affirmed.

SO ORDERED.

Teehankee (Chairman), Plana, Vasquez, Relova and *Gutierrez, Jr.*, concur.

FIRST DIVISION

[G.R. No. L-44337. April 28, 1983]

ALEJANDRO DEPOSITARIO, petitioner-appellee, *vs.* CLAUDIO HERVIAS, respondent-appellant.

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; ESTOPPEL; APPLICATION OF DOCTRINE IN THE CASE AT BAR.— Appellant's duplicity deserves the outright rejection of his claim. A party will not be allowed to make a mockery of justice by taking inconsistent position which, if allowed, would result in brazen

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15 Parsons Hardware Co., Inc. *vs.* Court of Appeals, 69 Phil. 411 (1940).

16 Bayer, Phil., Inc., *vs.* Hon. Agana, 63 SCRA 355 (1975); Sampaguita Pictures, Inc. *vs.* Jalwindor Manufacturers, Inc., 93 SCRA 420 (1979).