

**NATIVIDAD SIDECO, ASSISTED BY HER HUSBAND JOSE TALENS,
MILAGROS SIDECO, ASSISTED BY HER HUSBAND FLORENTINO
CHIOCO, MARIANO SIDECO, CESAR SIDECO, GONZALO SIDECO, AND
THE MINORS C...**

G. R. No. L-4831. April 24, 1953

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/02e32cd632f3/>

LABRADOR, J.:

This is an action for partition and for the recovery of plaintiffs and appellants' share in the produce of the land sought to be partitioned. The defendant and appellee is the judicial administratrix of the estate of the deceased Crispulo Sideco, who died on the 26th of May, 1942. She is the decedent's widow by his third marriage, which took place on January 26, 1912. The plaintiffs and appellants are his (Crispulo Sideco's) children and grandchildren by his second wife Matilde Jimenez, who died on March 14, 1906.

The subject of the action is a parcel of riceland, 134.6671 hectares in area, situated in the sitio of Pulong Pandan, barrio Sangitan, municipality of Cabanatuan, surveyed on May 21, 1908, and registered in the name of Crispulo Sideco, widower, on March 12, 1909, under certificate of title No. 77 (Exhibit 6). The land was declared for the land tax in the year 1906 in Crispulo Sideco's name (Exhibit 5). The land was mortgaged to the Philippine National Bank on May 10, 1912, for P8,000, on July 30, 1917, for P6,400, and on September 28, 1922, for P5,800. In June, 1923, the loan with the Philippine National Bank was paid, but the land was sold with pacto de retro to Margarita David for P16,000, redeemable in two years, this period extensible for one year. In 1928 Margarita David resold the property to Crispulo Sideco, but the same was again mortgaged to her for P6,000 (Exhibit 6). In 1933 certificate of title No. 77 was cancelled, and No. 7631 issued in lieu thereof in the name of Margarita David (Exhibit D). The land, however, was reconveyed to the estate of Crispulo Sideco on August 31, 1946 (Ibid.). The land is now covered by transfer certificate of title No. T-303 in the name of his estate (Exhibit 21-A).

In the year 1917 cadastral proceedings were instituted in Cabanatuan, and the land now in question was included therein. The land (already registered) was named as lot No. 880, and the chief surveyor asked the court to order the cancellation of the certificate of title covering it and that another be issued in lieu thereof, and to ascertain at the same time the names of the persons in whose names the new title will be issued (Exhibit F-1). The court ordered the interested parties to state to the court what they desired in respect thereto (Exhibit F-2). Pursuant to this order, Crispulo Sideco filed a petition signed by himself, dated December 15, 1917, praying that the land be adjudicated in his name and in those of his children (Exhibit G-1). On the same day the court ordered a new certificate of title to be issued, one-half in favor of Crispulo Sideco and the other one-half in the name of his children Natividad, Milagros, Cesar, Gonzalo, Anastacio, Mariano, and Pablo (Exhibit G-2). On December 19, 1917, another order was issued in favor of the above-named for the registration of the land in their names, with a correction of the lot number given to the land (Exhibit G-3). A decree in pursuance of the order was issued by the General Land Registration Office on January 19, 1918 (Exhibit H-1), although it does not appear that this order

was ever complied with and the new title issued as ordered.

The land was in the continuous possession and enjoyment of Crispulo Sideco up to the time of his death in 1942. His children by his second marriage lived with him and were given education at his expense, one of them studying in the United States. They lived with him until they were married, evidently at the expense of their father, even after his third marriage to the present administratrix.

The trial court found that the land is the exclusive property of the deceased Crispulo Sideco, basing this finding on various considerations, the most important of which are that the only heir by the first marriage did not show any interest; that it could not have been conjugal property of the second marriage because another conjugal property of theirs (lot 934) was registered as such, and because notwithstanding the time that had elapsed since the court had ordered the issuance of a new title in the name of Crispulo Sideco and his children by the second marriage, these had done nothing to have the new title issued, without an explanation for such lack of action or interest on their part; that the motion of Crispulo Sideco for the issuance of a new title in his name and in those of his heirs by the second marriage was merely an act of generosity, which was, however, never consummated and legalized; that his motion to have the new title issued and the order of the court to that effect are unauthorized and illegal, and the court's order beyond its jurisdiction.

The most important issue of fact raised on this appeal refers to the finding of the trial court that the land is not conjugal property of the spouses Crispulo Sideco and Matilde Jimenez, but the exclusive property of Crispulo Sideco. The reasons given by the trial court for this finding have been set forth above, and we find them to be insufficient to sustain the conclusion arrived at. On the contrary, we find from a study of the record that there is a clear preponderance of the evidence to show that it was conjugal property of the decedent by his second marriage with Matilde Jimenez. The tax declaration, Exhibit, 5, shows that the land had been declared prior to the year 1906, the decedent, making the following pertinent statement therein:

"This property was previously declared under Tax Declaration No. 231, Barrio of Sangitan, Municipality of San Isidro.

(Sgd.) "CRISPULO SIDECO."

Matilde Jimenez died on March 14, 1906, and, therefore, the land must have been acquired before her death (for it had been declared prior to 1906). A presumption, therefore, arises that it is their conjugal property. (Article 1392, Spanish Civil Code.)

We also have the petition of the decedent in G.L.R.O. record No. 79 (Exhibit G-1), praying that the land be registered in his name and in those of his children (by the second marriage), which petition was subsequently reiterated by his attorney, as shown in the court's order of January 19, 1918 (Exhibit G-3). The motions presented deceased personally and through his counsel, independently of the supposed illegality of the proceedings in the cadastral court and of that of the order for the issuance of a new title, are either admissions in pleadings, or judicial admissions, or admissions against proprietary interest (Section 29, Rule 123, Rules of Court), which are competent and satisfactory evidence of the fact that the land is owned jointly by him and his children by his second marriage.

Against the above facts and evidence, nothing to the contrary was presented. Mention is made by the trial court of the provision of the decedent's will devising the land to some of his children, but we do not find anything in the language of the disposition which tends to show that the land was the testator's exclusive property, because as to this property, just as to all others devised by him, he only conveys "his land, or any right, title, or interest he may have therein." (Will, Part V, Exhibit 25.) The trial court infers from the alleged lack of action on the part of plaintiffs and appellants to have their rights registered, that they have none and that the decedent's motion to have

them included in the title was merely an act of generosity. The reason for the failure of plaintiffs and appellants to have the order of the court of December 19, 1918 (Exhibit G-3), carried out is not difficult to find. It was not due to plaintiffs's lack of right to the land, but to the inconvenience or impossibility of making the changes in the title, because the land was already mortgaged when the court ordered the inclusion of the children of the second marriage as co-owners. The land was mortgaged as early as May 10, 1912, and continued to be so mortgaged until the testator's death. The mortgagee would have objected to the modification of the mortgagor's title. It would also have been difficult to carry out the order because judicial approval would have had to be secured to have the mortgage include the shares of the mortgagor's children. This must have been the reason why the new title was never issued. Therefore, the new title was not issued not because the plaintiffs and appellants did not desire to have the title issued, but because it was impracticable to have it issued because of the existing mortgage.

The trial court held, invoking the doctrine laid down in *Manalo vs. Lukban* (48 Phil., 973), and *Garcia vs. Reyes* (57 Phil., 409), that the cadastral court exceeded its jurisdiction in issuing the order for the inclusion of plaintiffs and appellants herein as co-owners in a one-half share pro indiviso, because the order amounts to a read-judication of the title, and that the procedure that should have been followed should have been for the registered owner to execute a partial deed of conveyance in favor of plaintiffs and appellants and to register said deed in the Office of the Register of Deeds. This same argument is reiterated in this court in support of the judgment. Against this argument plaintiffs and appellants contend that the order was not a readjudication of the title, citing the case of *Flores vs. Flores* (48 Phil., 258).

It is well settled that land already decreed and registered in an ordinary land registration proceeding can not again be subject of adjudication or settlement in a subsequent cadastral proceeding. (*Timbol vs. Diaz*, 44 Phil., 587; *Pamintuan vs. San Agustin*, 43 Phil., 588; *Addison vs. Payotas*, 60 Phil., 673). This does not mean, however that in proper cases and upon proper application or the consent of the registered owner or owners, or of the person in whose name the decree is issued, the court may not order a change in the names of the owners by inclusion or exclusion of some, or in the rights or participation of each in the land registered. Thus, in the case of *Manalo vs. Lukban* (48 Phil., 973), cited by the defendant and appellee, this court held that the cadastral court was justified, upon proof that Bartola Liwanag had consolidated her ownership to certain cadastral lots, which had been sold to her with pacto de retro by some of the co-owners, in ordering the issuance of a certificate of title to said lots in the name of said Bartola Liwanag. What is prohibited in a cadastral proceeding is the registration of land, already registered in the name of a person, in the name of another, divesting the registered owner of the title already issued in his favor (*Addison vs. Payotas Estate Improvement Co.*, 60 Phil., 673), or the making of such changes in the title as impairs his substantial rights (*Pamintuan vs. San Agustin*, supra). Even in the case of *Timbol vs. Diaz*, supra, it was held that the cadastral court has jurisdiction to determine the priority or relative weight of two or more certificates of title for the same land.

The case of *Garcia vs. Reyes*, 51 Phil., 409, cited by the defendant and appellee, presents a different set of facts. In that case the land was mortgaged, and while the registered owner was willing to have his co-owner's name inserted, the insertion thereof would have the effect of affecting the rights of the mortgagee, who had taken the property by way of mortgage as the registered owner's exclusive property. This court opined that a mortgagee is in effect a purchaser under Section 112 of the Land Registration Act, and to allow the amendment would be depriving the mortgagee of his property without due process of law.

The questions now presented to the Court are, Did the order of the cadastral court of December 19, 1917, amount to a readjudication of the title and, therefore, null and void? Was the proceeding which culminated in the issuance of the order unauthorized? Both of these questions must be answered in the negative. When the cadastral proceedings were instituted, the chief surveyor reported to the court that lot No. 880 was land covered by a decree

in a land registration proceeding, registered in the name, Crispulo Sideco, and he, therefore, recommended that the title be cancelled and a new one issued in the names of such persons as the court may determine (Exhibit F-1). Pursuant to this report, the court ordered the parties interested to express what they desired (Exhibit F-2), and Crispulo Sideco filed his petition (Exhibit G-1) that lot No. 880 be adjudicated to him and his children (by his second marriage), in accordance with which the court later issued the disputed orders (Exhibits G-2 and G-3). The above proceedings are expressly authorized by the provisions of Section 112 of the Land Registration Act, which are also applicable to cadastral proceedings. (Section 11, Cadastral Act, as amended by Section 1 of Act No. 3080). Said section 112 provides:

Any registered owner * * * may at any time apply by petition to the court * * *, upon any other reasonable ground, and the court shall have jurisdiction to hear and determine the petition after notice to all parties interested, and may order the entry of a new certificate or grant any other relief * * *.

The proceedings did not in any way purport to re-examine the title already issued, or to readjudicate the title of the land. They are precisely predicated on the finality of the title already issued, because it was the registered owner who was asked to express his desire with respect thereto, and the court's order precisely followed the petition of the registered owner.

Our attention has been called by a member (of the Court) to the fact that the act of the deceased in admitting the land to belong in part to his children by the second marriage would prejudice the heirs by the first and third marriages. But the law (Section 112, Land Registration Act), which requires that notice to interested parties be given, was complied with or must have been complied with. No claim is made that no notice of the motion was given, or that the issuance of the order was irregular. The proceedings are presumed to have been regular, and that notices thereof were given, there being no fact or circumstance to indicate the contrary. Besides, cadastral proceedings in rem. The proceedings must, therefore, be held to bind all the children of the deceased, including those of the first and third marriages.

Furthermore, the issuance of the decree of registration and title in the name of Crispulo Sideco did not operate ipso facto to make the land his own exclusive property and to relieve him of the obligation to account for it as conjugal property of himself and his deceased wife Matilde Jimenez, or destroy the rights of the children of the latter as co-owners. To this effect is the express provision of Section 70 of the Land Registration Act, thus:

"Sec. 70. * * *. Nothing contained in this Act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, * * *, or to change the laws of descent, or rights of partition between co-partners, joint tenants and other co-tenants, * * *."

This was also the holding of this Court in the case of Flores vs. Flores, supra:

"This had the effect, so the court seems to have supposed, of making these lands the exclusive property of Flores and of extinguishing their character as conjugal property of the prior marriage. To hold otherwise said his Honor, would have the effect of revising the decree of the land court and impairing a title which that court decreed to Flores.

"This idea is clearly incorrect. The surviving husband is ex-officio manager, or administrator, of the conjugal estate. He has the power to alienate the property for the purpose of liquidating the estate and the purchaser under him undoubtedly gets valid title (Noble Jose vs. Noble Jose, 41 Phil., 713). But as long as the husband retains the property in whatever form, he holds it in the character of administrator and is virtually a trustee for those interested in the conjugal partnership. Nor does the obtaining of a Torrens Title in any wise change the situation. In section 70 of the Land Registration Act (No. 496), it is, among other things, expressly declared that nothing contained in this Act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife or to change or affect in any other way other rights

or liabilities created by law and applicable to unregistered land, except as otherwise provided in the Act. It is needless to say that there is no express provision anywhere in the Act which has the effect of extinguishing the responsibility of the husband with respect to the conjugal estate or which would enable him, by taking a Torrens title, to escape from his responsibility as administrator and liquidator."

It follows from all of the foregoing that the proceedings in the cadastral court culminating in the decrees, Exhibits G-2 and G-3, do not constitute a readjudication of the title, or a violation of the rights of the registered owner, but that their issuance is in accord with law and well within the power of the cadastral court.

The trial court also held that the plaintiffs and appellants are guilty of laches for having failed to secure the issuance of the title in their names jointly with the deceased and, therefore, can no longer claim title through said decree. The ruling is incorrect; it is not the certificate of title that gives or creates rights, but the decree of registration. This is the express provision of the law, thus:

Sec. 38. * * * Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons including the Insular Government and all branches thereof, whether mentioned by name in the application, notice or citation, or included in the general description. "To all whom it may concern" * * *. (Act 496, as amended by section 3, Act 3621, and section 1, Act 3630).

The last assignment of error refers to the failure of the trial court to render judgment for the defendant and appellee to pay the share of plaintiffs and appellants in the produce of the land during all the time they were deprived thereof. It is admitted by the plaintiffs and appellants, however, that they had lived with their deceased father until they got married and were supported by him and their education paid for by him. The support given must have come from the property, which was administered by their father. It also appears that the land had been continuously under mortgage, but that, on the other hand, it increased in value because of the improvements introduced thereto by their father. The improvements to the land must have entailed a great amount of expense which must have come from the produce of the land. What portion of the produce had not been used for the support of the plaintiffs and appellants or for the improvements to the land has not been shown, and under the circumstances the Court is not in a position to make a finding that a portion of said produce is still due and owing to the plaintiffs and appellants.

For all the foregoing, the judgment appealed from is hereby reversed, and it is hereby declared that the land subject of the action is the joint property of the estate of the deceased Crispulo Sideco and of the plaintiffs and appellants, an undivided one-half thereof pertaining to the former, and the other half to the latter, and it is further ordered that the case be remanded to the lower court for the partition of the property in accordance with the prayer of the complaint. The defendant-appellee is absolved from the claim for damages. Without costs.

Paras, C. J., Feria, Pablo, Bengzon, Montemayor, Reyes, Jugo and Bautista Angelo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.