

CIRILO DIZON AND BALTAZARA DIZON, PLAINTIFFS AND APPELLANTS, VS. ISABEL BANUES, DEFENDANT AND APPELLEE.*G. R. No. L-10222. August 29, 1958*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/087dabdaf074/>**PADILLA, J.:**

In his lifetime, Catalino Dizon executed a will instituting as heirs the plaintiffs, his brother Cirilo and sister Baltazara, and the defendant Isabel Banues. After his death, the defendant presented the will to the probate court and prayed for its allowance (special case No. [91] 75—R). The plaintiffs engaged the services of the law firm of Castillo, Cervantes & Occeña to object to its allowance. On 2 November 1946, the attorneys for both parties in the probate proceedings entered into a "convenio y proyecto de particion" dividing the estate of the deceased into two and adjudicating one-half thereof (Lot No. 1) to the defendant and the other half (Lot No. 2) to the plaintiffs, and submitted it to the probate court for approval. On 18 November 1946 the probate court issued an order approving the "convenio y proyecto de particion," and dividing and adjudicating the estate to the parties in accordance with the agreement, the petition for the probate of the will having been withdrawn by the defendant who prayed that it be considered as one for the administration and settlement of the estate of the deceased. On 5 June 1948 the defendant commenced proceedings in the land registration court to have her title to the parcel of land adjudicated to her confirmed under the provisions of Act No. 496 (case No. 8, G.L.R.O. Record No. 1580). The plaintiffs objected to her petition. After hearing, on 26 March 1951 the land registration court confirmed the defendant's title to the parcel of land and decreed its registration in her name. The plaintiffs did not appeal. On 18 September 1953, the plaintiffs instituted this action in the Court of First Instance of Davao (civil No. 1143), claiming that the "convenio y proyecto de particion" had been entered into by their attorneys without their expressed authority; and that it was only sometime in October 1950 when they were cited to appear by the court in the land registration proceedings commenced by the defendant that they came to know of the agreement entered into by their lawyers. They prayed that the Court declare the said "convenio y proyecto de particion" null and void. The defendant moved to dismiss the complaint on the ground—

- That the plaintiffs have no legal capacity to sue through their alleged attorney-in-fact Constantino Sabandal;
- That the cause of action is barred by a prior judgment;
- That the cause of action is barred by the Statute of Limitation; and
- That the complaint states no cause of action.

After hearing, the Court dismissed the complaint with costs against the plaintiffs. The latter have appealed.

It appears that the appellants objected to the appellee's application under the provisions of Act No. 496 for the registration of the parcel of land adjudicated to her by the probate court, pursuant to the "convenio y proyecto de particion" entered into in their behalf by their respective counsel. The legality and validity of the "convenio y proyecto de particion" should have been assailed in the land registration proceedings by the appellants. This they

failed to do. And when the land registration court entered a decree confirming the appellee's title to the parcel of land applied for and directing its registration in her name, the decree thus entered was conclusive not only on the questions actually contested and determined, but upon all matters that might have been litigated and decided in the land registration proceedings. The appellants did not appeal from the decree entered by the court in the land registration proceedings allowing it to become final. To permit them to question the legality and validity of the "convenio y proyecto de particion" and to secure a declaration of its nullity in this action, if successful, would result in the setting aside of the decree of registration in favor of the appellee, which cannot be reopened after the lapse of one year from the entry thereof. The order appealed from dismissing the complaint is affirmed, with costs against the appellants.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, and Felix, 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.