

PASCUAL STA. ANA, PLAINTIFF-APPELLANT, VS. ARCADIO NARVADES, SOLEDAD B. MENLA AND PURITA B. TACATA, DEFENDANTS?APPELLEES.

G.R. No. L-24390. November 28, 1969

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/182a6d06a823/>

BARREDO, J.:

Appeal from the order of dismissal issued, on a motion to dismiss, by the Court of First Instance of Camarines Sur in its Civil Case No. 5443, wherein appellant sought the declaration of the nullity of the order of reconstitution of Land Registration Case 568, the whole reconstitution pro-ceeding R-140, and the order directing the issuance of a de-cree of registration in the said land registration case.

Way back in 1931, herein appellant was applicant, and herein appellees were oppositors, in Land Registration Case No. 568 (G.L.R.O. Rec. No. 38905) of the Court of First Ins-tance of Camarines Sur. Before the proceedings thereunder could be terminated, however, war broke out in 1941, and the records of the case were either lost or destroyed or burned. On June 15, 1946, the court a quo issued a notice for the reconstitution of all its lost judicial records, and in pursuance of said notice, appellees filed a petition for reconstitution of the records of the above-mentioned land registration proceedings on June 24, 1947, submitting therewith three (3) documents, among which was a copy of the decision with the following dispositive portions:

"En su virtud, se desestima la solici-tud del solicitante Pascual Sta. Ana, dec-larando que los opositores Arcadio y Dominga Narvades son los dueños de los lotes o par-celas de terreno objeto de la solicitud; y previo reembolso a dicho solicitante Pascual Sta. Ana de los gastos de registro de esta solicitud y por el levantamiento de los planos Exhibitos A y A-1 de acuerdo con los terminos de la presente decision, y sujeto ademas a un gravamen hipotecario de acuerdo con las disposiciones del codigo del procedimiento civil en la cantidad de P150.00 a favor de Pascual Sta. Ana pagadera a este dentro de un año desde la expedicion del decreto, se decreta la adjudicacion y registro de las dos parcelas y lotes de terreno objeto de la pre-sente solicitud a favor de dichos opositores Arcadio Narvades y Dominga Narvades, en partes iguales y pro indiviso, como de su exclusiva propiedad, en virtud de los dispuestos por el articulo 38 de la Ley No. 496 tal como fue enmendada por la Ley No. 3621 de la Legislatura.

"En consonancia con esta decision, se ordena al solicitante para que dentro de diez dias desde que haya adquirido caracter firme la presente decision, someta a este Juzgado el importe de los gastos a cuyo reembolso tiene derecho de acuerdo con los terminos de esta decision.

"SE ORDENA.

"Dada en Naga, Camarines Sur, hoy a 28 de Noviembre de 1931.

"C. M. VILLAREAL

Juez, Decimoquinto

Distrito Judicial."

Notice of the hearing of this petition was furnished the appellant Sta. Ana, who thereupon filed a motion to dismiss the same on the ground that it is "barred by the Statute of Limitations." In an order dated November 21, 1957, the court denied the motion to dismiss, on the one hand, and granted the petition for reconstitution, on the other, as follows:

"Acting upon the motion to dismiss the petition for reconstitution of the records of this case filed by Pascual Sta. Ana and it appearing that said petition for reconstitution of the records of this case together with the decision rendered therein has been filed with this Court within the time authorized by law; and that if said petition was not determined earlier by the Court, it was because the parties were talking about the possibility of amicably settling their controversy;

"Said motion to dismiss is hereby denied and it is ordered that the records of this land registration case, namely: (a) the transcript of the stenographic notes taken during the trial; (b) the blue print plan Psu-96264 covering the land in question; and (c) the decision of the Court dated November 28, 1931, be, as it is hereby, declared reconstituted in accordance with the provisions of the Re-constitution Law." [1]

Appellant moved for the reconsideration of this order, but his move was frustrated. Appellees filed, on the other hand, a motion on March 26, 1958, alleging that appellant had abandoned his right to reimbursement of his expenses for registration and praying that a decree for the registration of the land in their names be issued. Opposition to this motion was registered by appellant on the ground that the decision in the case had become final 30 days after November 28, 1931, and since oppositors have slept on their rights, their cause of action was barred by the statute of limitations. The lower court overruled this opposition and on May 14, 1958, issued an order declaring appellant as having abandoned his right to reimbursement of his expenses and directing the issuance of the decree of registration of the parcels of land involved in the name of said oppositors, thus:

"Considering that the judgment rendered in this land registration case, ordering the registration of the land applied for in the names of the oppositors, Arcadio Narvades and Dominga Narvades has already become final but the applicant refused to submit the amount of his expenses to be paid by the said oppositors:

"It is ordered, declaring the said applicant as having abandoned his right to the reimbursement of his expenses for the registration by reason of his refusal to submit the same, and that a decree is hereby issued ordering the registration of the two parcels of land in the names of the oppositors, Arcadio Narvades and Dominga Narvades." [2]

A motion to reconsider the above order having been denied, appellant herein pursued an appeal from the two (2) above-quoted orders directly to this Court where the said orders were affirmed on April 29, 1961. [3]

Later, when appellees moved for the issuance of the decree of registration and for distribution of the land to them upon the return of the records of the case from this Court to the land registration tribunal, appellant filed on January 13, 1962 an opposition to the issuance of the decree, praying at the same time that the "case be reopened to enable applicant or his heirs to present evidence" in accordance with the order of said court dated January 28, 1932 giving him the right to prove and recover the value of certain improvements introduced by him in the land in question. [4] Not contented with this, on April 14, 1962, appellant filed with the land registration court a counter-petition, praying for an order declaring null and void the orders of November 21, 1957 and May 14, 1958 above-quoted, on the grounds (1) that the land registration tribunal acquired no jurisdiction over the petition for reconstitution in view of the failure of appellees to comply with the legal requisites for reconstitution under Section 9 of Act 3110; and (2) that the said appellees acted in bad faith in the reconstitution case, in not apprising the court of the true and last status of the land registration case when the records thereof were destroyed by war, by deliberately concealing and not producing before the said court an order of the land registration tribunal dated

January 28, 1932, granting the reopening of the case,[5] and to which order, appellees then registered the necessary "exception dated February 6, 1932.[6]

At the proceedings in Land Registration Case No. 568 were at the stage as above set forth when the present action came. Under date of 11 June 1962, appellant filed the complaint in Civil Case No. 5443 of the Court of First Instance of Camarines Sur which, as stated at the outset of this decision, was dismissed by the said court on September 13, 1962 in the order, now under review, which reads as follows:

"It appearing that the plaintiff, as applicant in Land Registration Case No. 568 (R-140), filed therein on April 14, 1962, against the oppositors there, who are the defendants in this case, a petition in which he seeks to set aside the very same orders he now seeks to annul and upon the identical grounds alleged by him in this action, that the petition is still pending resolution by the Land Registration Court, and that under section 112 of the Land Registration Act all petitions and motions filed thereunder after the original registration shall be filed and entitled in the original case in which the decree of registration was entered, for which reason the records of Land Registration Case No. 568 were reconstituted in that same proceeding and the orders sought to be annulled were likewise issued therein, the motion to dismiss is granted and this case is DISMISSED.

"SO ORDERED, Given at Naga City, Philippines, this 13th day of September, 1962.

"(Sgd.) JOSE L. MOYA

Judge"

The appeal from this order of dismissal was immediately taken by appellant to the Court of Appeals; but said court, in a resolution dated February 16, 1965, certified the appeal to this Court upon finding that "there are no issues of fact qua fact".

With particular reference to the proceedings in Civil Case No. 5443, the facts are, as set forth in the said resolution, as follows:

"This is an action for annulment of an order reconstituting Land Registration Case 568 in the Court of First Instance of Camarines Sur.

"The complaint filed prayed for a declaration of the nullity of the order of reconstitution of Land Registration Case 568, the whole reconstitution proceeding R-140, and the order to issue decree of registration in Land Reg. Case 568; for a declaration that the records of the said case were never properly and legally reconstituted; and for damages and costs to be awarded in favor of the plaintiff. The complaint was premised on the propositions (1) that the Land Registration tribunal acquired no jurisdiction over the petition for reconstitution, in view of the failure of the defendants to comply with two legal requisites for reconstitution in such cases; and (2) that the defendants acted in bad faith in not apprising the court in the reconstitution case of the true and last status of the registration proceeding.

"In response to the complaint, the defendants filed a motion to dismiss the complaint on the grounds (1) that the complaint states no cause of action, because the action is expressly prohibited by section 38 of Act 496; (2) that the action is barred by prior judgment and the plaintiff is estopped from maintaining the same, because there is an identity of parties and subject matter between this action, on the one hand, and the reconstitution proceedings and the proceedings leading to the issuance of the final decree of registration in which the basic orders were affirmed by the Supreme Court, on the other; (3) that the court had no jurisdiction over the subject-matter of the action, as it has no power to set aside final judgments and orders of the Supreme Court; (4) that the action is barred by the statute of limitations, as appears from the complaint itself, because an action or petition for review of a decree of registration can be commenced only within one year from the date of the entry of the decree; and (5) that there is another action pending between the same parties and for the same cause, because earlier the plaintiff as applicant in Land Registration case 568 (R-140) filed a petition against

the oppositors (defendants) seeking to set aside the very same orders of the court he now seeks to annul and for the same grounds, which petition is still pending resolution.

"In his opposition to the motion to dismiss, the plaintiff contended, among other things, that the present action must take precedence over his petition in the land registration case. The plaintiff prayed that the court allow the parties to enter into trial. This was followed by a reply of the defendants, and then a rejoinder of the plaintiff.

"The Order of the court a quo, dated September 13, 1962, dismissed the case, thus:

"It appearing that the plaintiff, as applicant in Land Registration Case No. 568 (R-140), filed therein on April 14, 1962, against the oppositors there, who are the defendants in this case, a petition in which he seeks to set aside the very same orders he now seeks to annul and upon the identical grounds alleged by him in this action, that the petition is still pending resolution by the Land Registration Court, and that under section 112 of the Land Registration Act all petitions and motions filed thereunder after the original registration shall be filed and entitled in the original case in which the decree of registration was entered, for which reason the records of Land Registration Case No. 568 were reconstituted in that same proceeding and the orders sought to be annulled were likewise issued therein, the motion to dismiss is granted and this case is DISMISSED.

"SO ORDERED, Given at Naga City, Philippines, this 13th day of September, 1962.' (Rec. on App., pp. 124-125)

"There was only one hearing in the case. According to the minutes covering the hearing of September 13, 1962, the case was dismissed without trial.

"It is apparent that there are no issues of fact qua fact. The five grounds in the defendants' motion to dismiss pose legal issues only, which issues were joined upon the opposition filed by the plaintiff. The discussions of the parties in these and subsequent pleadings clearly underscore the strictly legal nature of the controversy now on appeal. The Order dismissing the case was undoubtedly exclusively premised on legal considerations. Rather than any question of fact, the sole and central issue in this appeal is whether or not, under the undisputed facts and circumstances gleaned from the pleadings, annexes and records, the complaint or case was correctly dismissed. Hence, the appeal was erroneously brought to this Court.

"ACCORDINGLY, let this appeal be certified, as it is hereby certified, to the Supreme Court under the Judiciary Act of 1948, as amended."

Now appellant comes up here with two (2) assigned errors allegedly committed by the trial court, to wit:

"The lower Court erred:

"(A) IN DISMISSING THE COMPLAINT ON THE GROUND OF PENDENCY OF PETITION OF APRIL 14, 1962 PREDICATED ON IDENTICAL GROUNDS AS THOSE ALLEGED IN THE COMPLAINT, AND IN NOT CONSIDERING THAT THE PRESENT ACTION IS ONE FOR LACK OF JURISDICTION OF THE RE-CONSTITUTING COURT OVER THE SUBJECT MATTER WHICH MAY BE RAISED AT ANY TIME AND STAGE OF THE PROCEEDING, EITHER COLLATERALLY OR DIRECTLY;

"(B) IN DISMISSING THE COMPLAINT UPON A MOTION TO DISMISS THAT BY ITSELF IS A TRAVERSE OF THE MATERIAL FACTS ALLEGED IN THE COMPLAINT."

As can be seen, appellant's first assignment of error presents the proposition that notwithstanding that the alleged invalidity, for want of jurisdiction of the Land Registration Court in its case No. 568 to issue the questioned order of reconstitution due to alleged non-compliance with the requirements of the Reconstitution Law, Republic Act 3110, has already been raised in a petition filed in the said land registration case to declare null and void the said order of reconstitution, the filing of said petition does not constitute a bar to the present action, which is an

ordinary civil action for no other purpose than to secure exactly the same remedy of having the order of recons-titution herein involved declared null and void on the identical ground that the land registration court did not acquire jurisdiction over the matter since there was allegedly no compliance with the requisites of the Reconstitu-tion Law. And appellant's whole argument in support of this proposition is stated thus:

"IS THE FILING OF THIS CASE PROPER, AND WHAT IS ITS EFFECT ON PETITION OF APRIL 14, 1962? Concise is necessarily appellant's answer to this question: Appellant had the choice, inasmuch as the remedy is alternative. At any time before resolution by the Land Re-gistration Court, he had the right to, as what he did, withdraw or abandon said petition and file a complaint with a court of general jurisdiction. Appellant's act in this regard is per-fectly within legal bounds - not without - he respectfully submits. The minute he filed the complaint, said petition was deemed to have been withdrawn." (P. 13, Appellant's Brief)

In other words, appellant seems to be proceeding on the theory that there could be no conflict between the petition he has filed in Land Registration Case No. 568 and the com-plaint he has also filed in Civil Case No. 5443, although they involve the same parties, allege identical causes of action, refer to the same subject matter and pray for the same relief, because upon the filing of the complaint in the civil action, the petition in the land registration case must be deemed to have been withdrawn.[7] This theory is, of course, plainly erroneous. Were the procedural law on the matter as simple as appellant conceives it, the whole concept of the defense of *litis pendentia* or pendency of another action would have no reason at all for being. Evidently, appellant is unaware of the principle that underlies this defense. Indeed, that a party is not allowed to vex another more than once regarding the same subject matter and for the same cause of action is a principle founded in part in the public policy that the same matter should not be subject of controversy in court more than once in order that possible conflicting judg-ments may be avoided, with consequent stability in the rights and status of persons. This defense is based on the same principle as that of *res adjudicata*. It differs from the latter only because of the stage in which it can be invoked. In *res adjudicata*, there must be a final judgment on the merits, whereas in *litis pendentia*, it is enough that there be another action pending involving the same parties, subject matter and cause of action. As far as the parties themselves are con-cerned, the beneficent effects of these defenses are similar to the benefits that an accused in a criminal case gains under the principle prohibiting double jeopardy, a sacred constitu-tional right of accused persons.

Appellant devotes a great deal of his discussion in his brief to the question of whether or not the Land Regis-tration Court acted properly or within its jurisdiction in Case No. 568 when it ordered the reconstitution of the re-cords of said case, but such discussion is off-tangent here for the simple reason that We are not called upon to rule on that issue in this case. The present appeal is from the order of the court in Civil Case No. 5443 holding, in effect, that appellant cannot raise the alleged invalidity of the reconstitution of the records in said Land Registration Case No. 568 in a petition in said case and then raise it again, while the said petition is still pending resolution, in an ordinary civil action instituted for the same purpose, Civil Case No. 5443, which the court a quo dismissed. The only issue We have to decide here is whether or not the trial court erred in issuing such order of dismissal on the ground of pendency of another action.[8] Of course, appellant also raises as secondary issue that the motion to dismiss of appellees traverses facts alleged in the complaint, but We fail to gather from his discussion any point in support of such contention. Not being properly argued, We cannot consider the said alleged error. (Section 7, Rule 51)

Accordingly, We rule that the court a quo did not err in upholding appellees' defense of *litis pendentia* and in dismissing appellant's complaint in Civil Case No. 5443 above-mentioned. Appellant's recourse to this Court is entirely pointless.[9]

The order of dismissal appealed from is affirmed, with treble costs against appellant.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, and Teehankee, JJ., concur.

[1] Annex "E" to the Complaint, pp. 31-32, Rec. on Appeal.

[2] Annex "F", pp. 33-34, Record on Appeal.

[3] See L-15564 (April 29, 1961), 1 SCRA 1294

[4] pp. 5-6, Appellant's Brief. The order referred to was acted on appellant's motion for reconsideration of the original decision in the land registration case. The said order reads thus:

"Considerado la mocion de reconsideracion presentada por los abogados Leoncio Imperial y Pablo C. Sibulo, en representacion del solitante Pascual Santa Ana, pidiendo la reconsideracion de la decision dictada en esto expediente; con-siderado que aunque solicitante Pascual Santa Ana no es tenicamente un poseedor de buena fe en el sentido legal estricto, sin embargo, apare-ciendo de las pruebas que los opositores fueron culpables de una crasa reglignencia de no hacer con-star a tiempo su alegado titulo al solicitante habiendo dejado transcurrir algunos años y per-mitido y tolerado que dicho solicitante intro-duzca otras mejoras en el terreno, despues de su adquisicion por sus vendedores Santiago Jaroc-joc y otra, de aqui dicho solicitante dentro de una sana equidad y en armonia con el Art. 364 del codigo Civil, tiene derecho a reclamar tam-bien el importe de las mejoras introducidas por el, se ordena la reapertura del expediente pero solamente para recibir las pruebas de las par-tes sobre el vendedero valor de las mejoras in-troducidas por el solicitante desde que tuvo por compra de sus vendederos, con exclusion de las mejoras originales en el terreno a tenor de los terminos de la decision en este ex-pediente.

Y en cuanto a la mocion de nueva vista presentada por el solicitante independiente-mente de su mocion de reconsideracion, apa-raciendo que dicha mocion se halla practica-mente supeditada al resultado de su mocion de reconsideracion, entiendase que la reso-lucion de la misma se halla comprendida dentro de los terminos de la presente.

ASI SE ORDENA.

Dada en Naga, Camarines Sur, hoy a 28 de Enero de 1932.

(Fdo.) C. M. VILLAREAL

Juez, 15.o Distrito Judicial"

(pp. 25-26, Rec. on App.)

[5] See footnote 4.

[6] pp. 27-28, Record on Appeal.

[7] Appellant's intimation in the above-quoted portion of his brief that the petition in the land registration case has been actually and expressly withdrawn by him is not supported anywhere in the record.

[8] Appellant has not assigned as error the other holding of the court a quo that by its nature, appellant's remedy can be filed only in the land registration case pursuant to Section 112, Act 496.

[9] Without trying to prejudge the petition filed in Land Re-gistration Case No. 568 for the annulment of the order of reconstitution, it may not be amiss to emphasize here that said order was appealed to this Court and it was

affirmed. (See footnote No. 3) In the light of this circumstance, it is, at least, doubtful if even appellant's contention which is to be resolved in connection with his said petition in said land registration case, regarding the alleged irregularities in the reconstitution proceedings may still be raised at this late hour.

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.