

ANA P. FERNANDEZ, PLAINTIFF-APPELLEE, VS. FELIZA ABORATIGUE AND RESTITUTO BACNAN, DEFENDANTS-APPELLANTS.

G.R. No. L-25313. December 28, 1970

Ponente: MKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/32347c3d2e6c/>

MKALINTAL, J.:

The plaintiff, claiming ownership of a parcel of land situated in, sitio Dipulao, barrio Central, township of Coron, Palawan, filed suit[1] in the Palawan Court of First Instance to have the defendants vacate a portion of said land and cease exercising acts of ownership therein.

It was alleged in the complaint that Vicente Aboratigue, father of defendant Feliza Aboratigue was during his lifetime employed as guard at one of the gates to the property, and as such was allowed to plant fruit trees in a small portion in the immediate vicinity; and that after his death the said defendant, together with her husband Restituto Bacnan, were allowed to stay therein, but that later on they claimed to be the owners of the said portion. In their answer to the complaint the defendants alleged, as basis of their claim of ownership, continuous possession and cultivation of the disputed area, by themselves and through their pre-decessors-in-interest since the year 1901.

In the course of the trial, on November 4, 1958, upon the court's suggestion the following stipulation of facts was submitted by the respective counsel for the parties:

"1. Parties agreed that the plaintiff Ana P. Fernandez is the owner of a parcel of land under Transfer Certificate of Title No. 306 in the name of Ana P. Fernandez, formerly under Title No. 209 in the name of Ana P. Fernandez and her late husband Guillermo Fernandez located in sitio Dipulao, Coron, Palawan, the technical description is stated in said title and the Blue Print Map is found in the plan marked as Exhibit "2" for the defendants, the Title is marked as Exhibit "A" for the plaintiff.

"2. Parties agreed that the following appears in the Title of Ana P. Fernandez: 'A parcel of land Plan No. 11-7482 with all the building and improvements, except those herein expressly noted as belonging to other persons situated in sitio Dipulao barrio of Central township of Coron.'

"3. Parties agreed that in a photostatic copy of the official survey plan of the land adjudicated to Ana P. Fernandez which was submitted by the defendants, there is an area enclosed by the dotted line on the northwest corner of the said land with the following annotation:

'Claimed by Vicente Aboratigue.'

"4. That both parties also agreed that the area claimed by the defendants is not approximately 16 hectares, but the portion described by the dotted lines located in the plan which is the exhibit of the defendants.

"The case is submitted for the determination of the Court on the following issues:

"1. Does the entire area comprised in the official plan belong to the plaintiff Ana P. Fernandez under her Title?

"2. Does the reservation contained in said Title under the phrase 'except - those herein expressly noted as belong-ing to other persons situated in barrio Dipulao' and confirmed by the annota-tion in the Official Plan 11-7482 re-move said area from the entire property in favor of the defendant claimants, Vicente Aboratigue's successors in interest."

On November 25, 1958 the defendants moved for a formal hearing of the case, alleging that the final draft of the stipulation as dictated by the court was not shown to them before it was signed by their counsel; that it did not contain certain matters relevant to the defense, particularly their continuous possession and cultivation of the land in question since 1901; and that there were portions in the stipulation that were not agreeable to them.

The parties, through their counsel, were ordered to argue the motion in writing, but only the plaintiff's counsel did so by way of opposition; and on January 28, 1959 the Court denied the motion and on the basis of the facts stipulated rendered judgment for the plaintiff, declaring her to be the owner of the disputed property and ordering the defendants to vacate the same, with right to reimbursement of the value of the improvements thereon, they being builders in good faith.

The defendants appealed to the Court of Appeals, and the case was later certified to this Court on the ground that the questions involved are purely legal.

The first issue is whether or not the trial court erred in not setting aside the stipulation of facts and in not granting a formal hearing with respect to matters not covered thereby, although raised in the pleadings. These matters, as already observed, refer to the appellants' allegation of possession under claim of ownership since 1901. The second issue, corollary to the first, is whether or not the decision is correct and justified on the basis of the stipulated facts alone.

1. The facts set forth in the stipulation are not denied. They are a matter of record. Apropos, the trial court found that the land (containing an area of 135.4016 hectares) was originally registered in 1918 under original certificate of title No. 354 in the name of a certain Rufo Sandoval, then transferred to Manuel Sandoval, from whom the appellee herein subsequently ac-quired it.

The appellants' defense, as formulated in their answer, is as follows:

"C. That the parcel of land in question is outside and not included as part and parcel of the land covered by Transfer Certificate of Title No. 209 as shown on the plan 11-7482 of the land covered by Transfer Certificate of Title No. 209 and the land in question is situated on the NORTHWESTERN part of the land of the plaintiff clearly shown by dotted lines with the following notation - "CLAIMED BY VICENTE ABORATICUE" placed on the land in question as shown on plan II-7482 of the land covered by Transfer Certificate of Title No. 209.

"D. That the said Transfer Certificate of Title No. 209 speci-fically and unequivocally excluded the land in question as part of the land covered by it expressed in the following words -

'x x x, except those herein expressly noted as belonging to other person x x x'

and the provisions in the said Transfer Certificate of Title No. 209 - 'x x x, EXCEPT THOSE HEREIN EXPRESSLY NOTED AS BELONGING TO OTHER PERSON x x x' the defendants allege and claim as referring to VICENTE ABORATIGUE indicated on plan 11-7482 of the land evidenced by Transfer Certificate of Title No. 209 on the northwestern part of the said plan enclosed by dotted lines wherein it is written "CLAIMED BY VICENTE ABORA-TIGUE," a certified copy of the said plan will be presented during the hearing of this case.

"E. That the defendants are of the full belief that the provi-sions in the said Transfer Certi-ficate of title No. 209 -

'x x x, except those herein expressly noted as belonging to other person x x x.'

refer to Vicente Aboratigue and his heirs as the said plan 11-7482 does not show any other persons claiming any portions of the land inside the said plan II-7482."

A reading of the foregoing allegations shows an admission rather than a denial of the fact that the portion of the land "claimed by Vicente Aboratigue," father of appellant Feliza Aboratigue, is part of the area covered by the appellee's certificate of title. Reference to the technical description therein on one hand and to the survey plan on the other, confirms the said fact unequivocally, and the trial court has so stated in its resolution denying the appellants' motion for reconsideration. The appellants' theory is simply this: that because on the survey plan a certain part of the land in its northwestern corner is enclosed in dotted lines and carries the notation "claimed by Vicente Aboratigue," that part is not covered by the appellee's title in view of the phrase "... except those herein expressly noted as belonging to other persons..." This theory accepts the truth of, and indeed is premised upon, the facts stipulated; and therefore the appellants' insistence that the stipulation be disregarded is groundless. It is true that their alleged occupation and cultivation of the disputed area since 1901 was not included in the stipulation, but the point is not material to the resolution of the question of ownership. The said area is part of the bigger parcel originally registered in 1918 under the Land Registration Act, Section 46 of which provides that "no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession."

2. The appellants rely on the fact that on the survey plan of the entire parcel covered by the appellee's title a portion is enclosed in dotted lines with the notation "claimed by Vicente Aboratigue," and, in relation thereto, on the following words on the certificate itself: "a parcel of land (plan 11-7482) with all buildings and improvements, except those herein expressly noted as belonging to other persons x x x."

(a) It is obvious that a mere claim cannot defeat a registered title. Furthermore, the "claim" here is only noted on the survey plan, and such notation cannot prevail over the actual decree of registration as reproduced in the certificate. All claims of third persons to the property must be asserted in the registration proceedings. If any claim to a portion thereof is upheld, that portion is segregated from the property applied for, and is not included in the decree of registration and certificate of title subsequently issued to the applicant. If it is included, the claim is deemed adversely resolved with finality, subject only to a petition for review of the decree within one year from its issuance on the ground of fraud, under Section 38 of the Land Registration Act.

(b) No belabored exercise in legal hermeneutics is necessary to arrive at the conclusion, as the trial court did, that the exception in the appellee's title relied upon by the appellants refers not to the land but only to buildings and improvements thereon, and then only to such as are noted on the certificate itself and not on any extraneous document.

The rule is that the owner of buildings and improvements should claim them during the proceedings for registration and the fact of ownership, if upheld by the court, must be noted on the face of the certificate. There is no such notation here in favor of the appellants. However, inasmuch as the improvements in the disputed area have been acknowledged by plaintiff in her complaint as belonging to the appellants predecessor-in-interest, and the lower court's decision allowing them to recover the value of the improvements is not now in question, this right of the appellants must be upheld. The trial court has left the determination of such value to mutual agreement between the parties. This disposition should be modified in the sense that if they fail to agree, the matter should be submitted to the said court for hearing and adjudication.

With that modification above indicated, the judgment appealed from is affirmed, with costs.

Reyes, J.B.L., Acting C.J., Dizon, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

Zaldivar and Castro, J., did not take part.
Concepcion, C.J., on leave.

[1] Civil Case No. 309, Court of First Instance of Palawan, filed on August 26, 1958.

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.