

QUIRINO BOLANOS, EDILBERTO ALEJANDRINO AND DIOSDADO DE LOS REYES, PETITIONERS?APPELLEES, VS. J. M. TUASON & CO., INC. AND PEOPLE’S HOMESITE & HOUSING CORPORATION, RESPONDENTS?AP...

G.R. No. L-25894. January 30, 1971

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4d7244f128d5/>

BARREDO, J.:

Appeal by J. M. Tuason & Co., Inc. and the People's Homesite and Housing Corporation from the order dated September 9, 1965 of the Court of First Instance of Ri-zal, Branch X, issued in LRC Rec. No. 7581, Quirino Bo-laños, et als., petitioners, versus J. M. Tuason & Co., Inc., et al., respondents, reading in full as follows:

"In their urgent petition dated March 17, 1965, the petitioner prayed that an order be published at the expense of the petitioners and ad-dressed to all to whom it may con-cern enjoining all and sundry 'pending the promulgation of the decision of the Supreme Court on any appeal which may be taken from the decision of this Honorable Court dated January 12, 1965' to desist from disturbing the physical possession of petitioner Quirino Bolaños of the parcel of land ob-ject of this case comprising 13,2619 hectares and included in the area covered by said TCT Nos. 37677 and 37686 of the Registry of Deeds of Rizal.

"It appears that in a case filed before the Court of First Instance of Rizal, Quezon City Branch, enti-tled 'J. M. Tuason Co., Inc., re-presented by its managing partner, Gregorio Araneta, Inc. versus Qui-rino Bolaños', the plaintiffs sought to recover possession of the parcel of land object of the present action from the defendant therein, and who is now one of the petitioners; that decision having been rendered in favor of the plaintiff in said case and against the defendant Quirino Bolaños appealed the case to the Supreme Court (Exhibits 'B', 'B-1', to 'B-7') which rendered a decision (No. L-4935, May 28, 1954), affirming the decision of the lower court.

"In Civil Cases Nos. 3621, 3622, and 3623 of this Court, Branch II, a decision was rendered on January 18, 1965, declaring Original Certificate of Title No. 735 of the Registry of Deeds of Rizal as null and void. The petitioners made this decision as the basis of their action, alleging that the certificate of title covering the parcel of land now in litigation having been derived from Original Certificate of Title No. 735, it follows that these titles which were issued later should also be declared null and void in the event the aforementioned deci-sion becomes final and executory, or the same is affirmed by the Supreme Court.

"The petition merely prays for an Order to be published at the expense of the herein petitioners to enjoin all and sundry from disturbing the physical possession of petitioner Quirino Bolaños of the parcel of land object of the petition and which is included in the property covered by TCT Nos. 37677 and 37686. It is not disputed that the petitioners were in possession of the parcel of land object of this petition at the time that the civil action before the Court of First Instance of Ri-zal, Quezon City, was instituted and up to the present time (Exhi-bits 'B-2' to 'B-5'). The records show that the petition was pub-lished at the expense of the peti-tioners in the Daily Mirror in its issues of May 22, 29, and June 5, 1965 (Exhibit 'A'). The decision of the Supreme Court in the aforementioned case was promulgated on May 28, 1954. Notwithstanding the lapse of more than

ten years, it appears that said decision has not been executed and the defendant in said case, Quirino Bolaños, who is one of the petitioners in the pre-sent case, is still in possession of the parcel of land in question. In view of the decisions in Civil Cases Nos. 3621, 3622, and 3623 of this Court, Branch II, as already stated above, it would appear that the position of the petitioner that their possession should not be disturbed until said decision is reversed by the appellate court, is tenable.

"WHEREFORE, finding the petition to be well-taken, the same is grant-ed, and it is hereby ordered that the respondents, their agents, and all persons acting for and in their be-half as well as all others are here-by enjoined from disturbing the physical possession of petitioner Qui-rino Bolaños of the parcel of land comprising 13.2619 hectares and in-cluded in the area covered by said TCT Nos. 37677 and 37686, said no-tice having been published in a news-paper of general circulation as al-ready stated above.

"SO ORDERED."

In their brief, appellants have assigned the fol-lowing alleged errors of the lower court:

"I

"THE LOWER COURT ERRED IN NOT HOLDING THAT PETITION IS ALREADY BARRED BY THE JUDGMENT IN G. R. NO. L-4935 ENTITLED J. M. TUASON & CO. INC., ET AL. VS. QUIRINO BOLANOS, PROMULGATED ON 28 MAY 1954 (95 Phil. 106).

II

"THE LOWER COURT ERRED IN PRO-CEEDING TO HEAR THE PETITION NOTWITHSTANDING THE FACT THAT IT HAS NO JURISDICTION OVER THE SUB-JECT MATTER OF THE PETITION.

III

"THE LOWER COURT ERRED IN ASSUMING THAT THE DECISION IN G. R. No. L-4935 HAS NOT YET BEEN EXE-CUTED AND THAT PETITIONER BOLANOS IS STILL IN POSSESSION OF THE LAND IN QUESTION.

IV

"THE LOWER COURT ERRED IN ISSUING THE ORDER DATED 5 AUGUST 1965."

As can be gleaned from the above-quoted order, the relief sought by appellees in their petition filed with the court a quo was virtually a general preliminary in-junction against the whole world not to disturb their alleged possession of the two parcels of land covered by Transfer Certificates of Title Nos. 37677 and 37686 of the office of the Register of Deeds of Rizal issued to appellant J. M. Tuason & Co., Inc. upon the ground that in the three other civil cases Nos. 3621, 3622 and 3623 of the same Court of First Instance of Rizal, the said court has rendered a decision, still pending appeal, declaring Original Certificate of Title No. 735 from which the two above-mentioned titles have been derived null and void, principally for want of jurisdiction of the court that issued said original title on account of defects in the publication of the notices of the proceedings for their registration, the injunction to last, per their prayer, until the decision of this Court in the said three civil cases, albeit the impugned order itself does not specify the period of its duration. Petitioners sought such relief notwithstanding the admitted fact that in a previous case filed by appellant Tuason against ap-pellees for the recovery of the possession of said land, that of Tuason vs. Bolaños, 93 Phil. 106, wherein appel-lees had alleged among their defenses that appellant Tuason's titles were obtained "thru fraud or error and without knowledge (of) or notice, either personal or thru publication to" said appellees, this Court upheld the validity of the questioned

titles and affirmed the decision of the trial court "declaring defendant (now appellee Bolaños) to be without any right to the land in question and ordering him to restore possession thereof to plaintiff (now appellant Tuason)." In the said decision of this Court, it was held:

"As the land in dispute is covered by plaintiff's Torrens certificate of title and was registered in 1914, the decree of registration can no longer be impugned on the ground of fraud, error or lack of notice to defendant, as more than one year has already elapsed from the issuance and entry of the decree. Neither could the decree be collaterally attacked by any person claiming title to, or interest in, the land prior to the registration proceedings. (*Soroñgon vs. Maka-lintal*, [90 Phil. 259] 45 Off. Gaz. 3819.) Nor could title to that land in derogation of that of plaintiff, the registered owner, be acquired by prescription or adverse possession. (Section 46, Act No. 496.) Adverse, notorious and continuous possession under claim of ownership for the period fixed by law is ineffective against a Torrens title. (*Valiente vs. Judge of CFI of Tarlac*, [80 Phil. 415.] etc., 45 Off. Gaz., Supp. 9, p. 43.) And it is likewise settled that the right to secure possession under a decree of registration does not prescribe. (*Francisco vs. Cruz*, 43 Off. Gaz., 5105, 5109-5110). A recent decision of this Court on this point is that rendered in the case of *Jose Alcantara et al., vs. Mariano et al.*, 92 Phil., 796. This disposes of the alleged errors V and VI."

In these circumstances, the appealed order is entirely profligate. Leaving aside all the other issues raised in appellants' brief about res adjudicata, conclusiveness of judgment and conclusiveness of the respondents-appellants' Torrens Titles, it is obvious that the subject matter of appellee's petition was clearly beyond the competence and jurisdiction of the trial court sitting as it did in this case as a land registration court, this, even on the assumption, which is most doubtful, that such a general against-the-whole world preliminary injunction could be sought in any court, it being axiomatic that an auxiliary remedy cannot be secured unless there is a principal remedy to which it pertains. Once a land registration proceeding is terminated and a corresponding decree has been issued, the only matter of possession of the land involved that remains within the jurisdiction of the Land Registration Court is in regard to the issuance of the writ of possession, if one should be needed. No provision of the Land Registration Act (Act 496) or any other law has been cited by appellees and we know of none which authorizes the land registration court to resolve issues of possession, in any of its aspects, after the original registration proceedings have come to an end and a writ of possession has already been issued and implemented. Section 112 of Act 496 which is the only provision in the said law empowering the land registration court to issue post or after-registration orders refers exclusively to amendments and alterations of the title issued and has nothing to do with possession of the land at all.

The theory of appellees is not clear in their brief. Seemingly, they are of the belief that since the above-mentioned Original Certificate of Title No. 735 which was annulled was issued in the same LRC No. 7581 in which the present petition was filed, it should follow that the court a quo may act on their petition. Appellees' position is not correct. The mere fact that Original Certificate of Title No. 735 has been voided in so far as the titles involved in Civil Cases Nos. 3621, 3622 and 3623, derived from said original certificate of title, are concerned, does not mean that such declaration of nullity affects also the other titles, also derived from it but issued in the names of other persons who have neither been heard nor notified. This is elementary under the due process principle. Although incidents regarding any title derived from an original one are supposed to be filed in the same expediente or record of the original proceeding, the incidents regarding each title so derived constitute separate and distinct proceedings from those affecting the other titles derived from the same original title, and are, accordingly, always treated as such. Indeed, the very fact that ordinary civil actions had to be filed by the plaintiffs in those three civil cases relied upon by appellees proves that the relief sought by them in their petition in the court below may not be obtained in the form of a mere incident in the original registration proceedings or expediente. Besides, as already noted earlier, there is no showing that there is now pending in the lower court either an action or any kind of proceeding in which appellees are asking that Transfer Certificates of Title Nos. 37677 and 37686 of appellant

Tuason should be annulled, assuming without deciding that such a relief could still be available to appellees in spite of *Tuason vs. Bolaños*, supra. Such being the case, the trial court placed the cart before the horse in issuing its questioned order, for how could anyone be enjoined from disturbing the possession of somebody whose right to such possession has not even been alleged, much less established in an appropriate proceeding?

Having come to this conclusion, We consider it unnecessary to resolve the other issues raised by appellants.

WHEREFORE, the appealed order is declared to have been issued beyond the jurisdiction of the court a quo and it is hereby declared null and void and set aside, with costs against appellees.

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

Zaldivar, J., no part.

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.