

**FELICIDAD AMBAT, PETITIONER AND APPELLEE, VS. DIRECTOR OF LANDS, OPPOSITOR AND APPELLANT.***G.R. No. L-5042. January 30, 1953*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6289bd5cdb82/>**LABRADOR, J.:**

This is a case for the registration of a parcel of land situated in Davao filed in the Court of First Instance thereof on August 6, 1935. The Director of Lands presented an amended opposition to the application on August 4, 1939, and after proper proceedings and trial, the court rendered judgment ordering the registration of the land described in the application. The decision is dated December 12, 1939. The Director of Lands appealed from the decision, and on April 8, 1940, the bill of exceptions and the evidence submitted in the case were forwarded to the Court of Appeals. The records of the case in the Court of Appeals were destroyed during the battle for the liberation of Manila, but none of the parties asked for their reconstitution in said court. The records of the case in the Court of First Instance of Davao, however, are intact, and on April 10, 1948, the applicant moved for the issuance of the decree of registration, alleging that as the Director of Lands, who had appealed from the judgment ordering the registration of the land, did not take any steps towards the reconstitution of the records in the Court of Appeals, the judgment had become final. She, therefore, prayed that a final decree issue in her favor in accordance with the decision rendered on December 12, 1939. The Director of Lands objected to the petition, but the Court of First Instance overruled the opposition, and on July 6, 1946, it ordered the issuance of the decree in favor of the applicant in accordance with the judgment rendered in the case. The Director of Lands appealed against this order to the Court of Appeals, but as the questions raised in the appeal are purely questions of law, the case has been certified to this court for decision.

The question squarely presented is: May the judgment rendered before the war, in a case pending appeal before the Court of Appeals, be considered final for failure of the losing party to ask for the reconstitution of the records in the appellate court within the time prescribed by the law for reconstitution of judicial records? The Court of First Instance of Davao held that such failure renders the judgment entered in the court of origin final, while the Solicitor General contends that as the duty to reconstitute does not rest on the appellant alone but on the appellee as well (citing the case of *Gunabe, Gunabe and Drillon vs. Director of Prisons*,[\*] G. R. No. L-1231, January 30, 1947, 44 Off. Gaz [No. 4], 1244), the judgment never became final. In the case cited this court held that the duty to reconstitute lies upon both parties to the action. In the recent case of *Claridad vs. Novella*, G. R. No. L-4207, promulgated October 24, 1952, we held further and declared that if a defendant in whose favor a judgment is rendered fails to ask for the reconstitution of the records of the case wherein the judgment is rendered, he impliedly waives, by his voluntary omission to ask for reconstitution, his right to the favorable judgment; and that if the period for reconstitution has already expired, section 29 of Act 3110 is applicable, the parties being understood as having waived the right to reconstitution and having the right to file their respective actions anew.

The order appealed from should be, as it hereby is, reversed, and the record of the case returned to the court of origin, without prejudice to the applicant filing a new petition for registration. Without costs.

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

---

[\*] 77 Phil., 993.

**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.