

EUGENIO P. MICULOB, PETITIONER, VS. COURT OF FIRST INSTANCE OF RIZAL, QUEZON CITY BRANCH IX AND J. M. TUASON & CO., INC., REPRESENTED IN THIS INSTANCE BY GREGORIO ARANETA, INC.,...

G.R. No. L-22643. August 30, 1973

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6a466d470ebd/>

MAKASIAR, J.:

Petitioner Eugenio P. Miculob seeks to nullify the orders dated April 25, 1963, January 22, 1964 and March 17, 1964, denying his motion to suspend the proceedings in Civil Case No. Q-4246 entitled "J.M. Tuason & Co., Inc. vs. Eugenio P. Miculob" of the Court of First Instance of Quezon City for the recovery of possession of about 300 square meters of land which forms part of the Tatalon Estate in Quezon City on the ground that Republic Acts Nos. 2616, 3453, and 3516, authorize the expropriation of landed estates or haciendas in Manila, Quezon City and suburbs and their subdivision into smaller lots and the sale of such lots at cost or their lease on reasonable terms, and Republic Act No. 3516 provides that "from the approval of this Act (May 22, 1963), and before the commencement of the expropriation herein provided, ejectment proceedings against any tenant or occupant of any landed estates or haciendas or lands herein authorized to be expropriated, shall be suspended for a period of two years, upon motion of the defendant xxx."

In the aforesaid Civil Case No. Q-4246, herein petitioner claims that on January 18, 1957, he bought in good faith the disputed lot of about 300 square meters of the Tatalon Estate, whereon he constructed his house, from Napoleon Pastrana, who in turn purchased on March 31, 1949 the said lot from Hilario Andaya, who previously acquired the same by purchase from Alberta Martinez..

His motion to suspend further proceedings in said case was denied in an order dated April 25, 1963; his second motion for reconsideration was likewise denied in an order dated January 22, 1964; and his third motion for reconsideration was denied in an order dated March 17, 1964, on the ground that ejectment proceedings cannot be barred or suspended unless (1) an action for expropriation is already filed or the government takes possession of the land and (2) coetaneous payment or compensation is made, citing the cases of *Teresa Realty, Inc. vs. Carmen vda. de Garriz*[1] and *Joaquin Cuatico, et. al. vs. Court of Appeals, et. al.*[2]

Private respondent J.M. Tuason & Co., Inc., in its answer dated and filed on April 10, 1964 in behalf of all the respondents, alleges, among others, that the disputed lot does not form part of any landed estate; that it is covered by TCT No. 1267 (37686-Rizal) of the Register of Deeds of Quezon City in its name; that neither the said lot nor the so-called Tatalon Estate is the subject of any expropriation case; that Republic Act No. 3516 is unconstitutional, citing the cases of *Cuatico, et. al. vs. Court of Appeals, et. al.*, supra, *J.M Tuason & Co., Inc. vs. Court of Appeals, et. al.*, [3] and *Republic of the Philippines vs. J.M. Tuason & Co, Inc., et. al.* [4] decided jointly on December 16, 1961, *Teresa Realty Inc. vs. Potenciano* [5] and other precedents.

In his manifestation dated April 10, 1964, upon receipt of the copy of the petition furnished him pursuant to Our

resolution of April 3, 1964, the Solicitor General stated that because the defense of the private respondent was then not known to him (presumably because he was not yet furnished a copy of private respondent's answer which was filed also on April 10, 1964), he reserves his comment until the validity of Republic Act No. 3516 is impugned (pp. 31-32, rec.).

After the parties submitted their memoranda of authorities on April 23, 1964, in Our resolution of April 27, 1964, private respondent was required to furnish within five (5) days from notice a copy of its answer to the Solicitor General, who was given a period of ten (10) days from receipt of said copy within which to submit his Comment on the validity of either Republic Act No. 2616 or 3516 or both (p. 45, rec.).

In his comment filed on June 2, 1964, the Solicitor General affirms that Republic Act No. 3516 is valid and constitutional as a measure of social justice and that ejectment proceedings can only be suspended, if herein petitioner pays the current rentals as directed by Section 5 of the law (pp. 52-57, rec.).

After the issuance on September 21, 1972 of Presidential Proclamation No. 1081 placing the entire Philippines under martial law, the President of the Philippines issued on October 27, 1972 Letter of Instructions No. 34, which provides:

"1. The General Manager of the People's HomeSite and Housing Corporation is hereby directed:

"a. to make immediate steps towards the acquisition of the Tatalon Estate located in Quezon City, in its entirety or so much thereof as may be necessary for the purposes stated in Republic Act No. 2616, by negotiation with the known and registered owner or owners thereof or, should this be not feasible, by expropriation pursuant to the aforesaid law;

XXX XXX XXX

"c. To promulgate such rules and regulations as may be necessary to carry out effectively the subdivision and distribution of the property among the bona fide occupants of the estate according to law after its acquisition;

XXX XXX XXX

"2. The Secretary of Finance, the Commissioner of the Budget and the Chairman, Reparations Commission are hereby instructed to set aside, certify and/or make available immediately the sum of ten million pesos (P10,000,000.00) as provided for in Republic Act No. 2616 or so much thereof as may be necessary to carry out effectively the objectives herein mentioned; and for this purpose, to devise and employ ways and means of raising the necessary funds, including the use of government bonds as well as of proceeds from reparations payments under the Reparation Law."

By Our resolution of June 27, 1973, the parties were required to show cause why this case should not be dismissed as moot and academic in view of the aforesaid Letter of Instructions No. 34.

In its manifestation dated and filed on July 12, 1973, private respondent J.M. Tuason & Co., Inc. prays that this case should now be dismissed as moot and academic; because by virtue of Letter of Instructions No. 34, (1) a complaint for the expropriation of the Tatalon Estate was filed on January 23, 1973 by the PHHC and docketed as Civil Case No. Q-17334 entitled "Republic of the Philippines vs. J.M. Tuason & Co., Inc." in the Court of First Instance of Quezon City; and (2) the corresponding writ of possession has been issued by the court, the government having duly made the corresponding deposit required for its entry into the property, attaching thereto as Annex "A" the court's order dated March 17, 1973 granting the writ of possession (p. 67-68, rec).

In his manifestation dated July 11, 1973 and filed on July 16, 1973, herein petitioner concedes that the case has become moot and academic in view of Letter of Instructions No. 34 and he has no objection to the dismissal or withdrawal of this petition (p. 70, rec).

In his Compliance dated and filed on July 23, 1973, the Solicitor General states that the issue as to the constitutionality of Republic Act No. 3516 has become moot and academic as a consequence of the issuance of Letter of Instructions No. 34, which now can settle all matters dealing with the acquisition of the Tatalon Estate; but added that the right of herein petitioner to file the instant petition as a tenant of the Tatalon Estate is another matter which may not become moot and academic simply because of the issuance of said Letter of Instructions No. 34 and therefore petitioner should be given the opportunity to ventilate his right to acquire a lot from the Estate in a proper administrative and/or judicial proceedings (pp. 74-76, rec.).

In his reply dated August 9, 1973 and filed on August 13, 1973 to the Compliance of the Solicitor General, petitioner agrees with the observations of the Solicitor General and affirms that he has already filed his application for the acquisition of the lot he is occupying with the proper offices concerned.

CONSIDERING THAT ALL PARTIES ARE AGREED THAT THE ISSUANCE OF LETTER OF INSTRUCTIONS NO. 34 ON OCTOBER 27, 1972, RENDERED THIS CASE MOOT AND ACADEMIC AND THAT HEREIN PETITIONER HAS ALREADY FILED HIS APPLICATION WITH THE PROPER AUTHORITIES FOR THE ACQUISITION OF THE DISPUTED LOT, THIS PETITION IS HEREBY DISMISSED AS MOOT AND ACADEMIC, WITHOUT COSTS.

Makalintal, Acting. C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

[1] L-14717, July 31, 1962.

[2] L-20141-42, Oct. 31, 1962.

[3] L-18128.

[4] L-18672.

[5] L-17588, May 30, 1962.

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.