

THE CITY OF MANILA, PLAINTIFF-APPELLANT VS. J. ANTONIO ARANETA, AS EXECUTOR OF THE ESTATE OF THE LATE ANGELA S. TUASON, DEFENDANT-APPELLEE.*G.R. No. L-3858. March 14, 1952*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/82846e529736/>**PADILLA, J.:**

This is an action instituted by the City of Manila under and pursuant to the provisions of Rep. Act No. 409 to expropriate four parcels of land described in transfer certificate of title No. 61271, containing an area of 18,093.50 sq. m.; 26,539.50 sq. m.; 6,827.10 sq. m.; and 2,281.40 sq. m.; one parcel of land described in transfer certificate of title No. 66752, containing an area of 5,305.80 sq. m.; and another parcel of land described in transfer certificate of title No. 61159, containing an area of 1,585.90 sq. m., or a total area of 60,633.20 sq. m., for the purpose of subdividing the same into home lots and reselling the lots on easy terms to city residents in accordance with the provisions of section 100 of Rep. Act No. 409.

After summons the defendant filed a motion to dismiss on the ground that the provisions of Rep. Act No. 409 were not complied with, because the acquisition by expropriation was approved by the Cabinet and not by the President; that the purpose is not for public but for private use and benefit of a certain number of individuals; that there was no public necessity which would give rise to the right to expropriate; that a large part of a tract of land belonging to the Estate of the late Angela S. Tuason containing an area of seven hectares had been purchased by the Rural Progress Administration under and pursuant to the authority granted to it by Executive Order No. 191; and that the purchase thereof was made for the same purpose of subdividing and reselling it to the same tenants intended to be benefited by these expropriation proceedings. The defendant attached to the motion to dismiss a copy of the judgment rendered by the Court of First Instance of Manila in civil case No. 7942 for specific performance of contract, whereby the Rural Progress Administration was ordered to pay the Estate of the late Angela S. Tuason the sum of P490,000 which represents the purchase price of seven hectares of land which the Rural Progress Administration had agreed to purchase from the Estate of the late Angela S. Tuason, at the rate of P7-per square meter, plus interest at the rate of 6% per annum from 27 April 1949. The motion to dismiss was followed by a pleading entitled "Manifestation" in which the City Mayor states that the seven hectares of land which the Rural Progress Administration had agreed to purchase is different from, and is not a part of, the six parcels of land sought to be expropriated in this case and that the occupants or tenants to be benefited by the purchase of the seven hectares of land are not the same persons to be benefited by these condemnation proceedings. A reply to the City Mayor's "manifestation" was filed by the defendant charging the plaintiff with failure to comply with the order of the court, in that it never made any settlement with the Rural Progress Administration, as promised by the City Mayor in open court, and that the plaintiff is without funds with which to pay the parcels of land sought to be expropriated and for that reason the defendant prays that the motion to dismiss be acted upon.

The trial court dismissed the complaint on the ground that the Rural Progress Administration had already taken

steps to acquire by purchase practically the same parcels of land for the same purpose of subdividing them into home lots and reselling the lots to the occupants or tenants and that the defendant had already agreed to sell the parcels of land, "as evidenced by the action now pending between the same parties," there being no reason why two Government agencies should seek the same purpose in two separate actions.

A motion to vacate the order of dismissal and set the case for hearing was filed by an assistant Fiscal in behalf of the plaintiff on the ground that the issue joined by the parties revolves around a question of fact which could not be determined without hearing the evidence which the parties intended to submit in support of their respective pretensions. The motion to vacate and set the case for hearing having been denied the City of Manila appealed.

The copy of the decision rendered in civil case No. 7942 for specific performance of contract gives no boundaries or description of the tract of land containing an area of seven hectares, the subject matter of the contract of purchase and sale between the Rural Progress Administration, on the one hand, and the Estate of the late Angela S. Tuason, on the other, which would enable us to compare the description of the tract of land with the technical description or boundaries of the six parcels of land sought to be expropriated. While the City of Manila alleges and claims that they are different parcels of land, the Executor of the Estate of the late Angela S. Tuason asserts that the parcels sought to be expropriated constitute a large part of the tract of land purchased by the Rural Progress Administration. The one purchased by the Rural Progress Administration covers an area of 70,000 sq. m., whereas the one sought to be expropriated by the City of Manila contains an area of 60,633.20 sq. m. But if both tracts of land are the same or the one sought to be expropriated is comprised within the seven hectares of land purchased by the Rural Progress Administration, as the court below states in its order appealed from, the present action would indeed be superfluous and a waste of time. In accordance with section 97 of Rep. Act No. 409-

All lands, estates, or haciendas in the City of Manila already purchased or to be purchased by the National Government for resale to their bona fide tenants or occupants shall be administered by the city through the Mayor, in accordance with ordinances, to be approved by the Municipal Board. For this purpose, all duties, functions, powers and obligations heretofore imposed upon, or exercised or assumed by the Rural Progress Administration in connection with said lands, estates or haciendas are hereby transferred to the City of Manila.

Whether both tracts of land are the same or not, or one is comprised in the other, is the issue joined by the parties. The pleadings do not supply sufficient basis for the determination of the issue.

In his brief the appellee urges this Court to take notice of the boundaries of the tract of land which is the subject matter litigated in civil case No. 7942 for specific performance of contract instituted by the Executor of the Estate of the late Angela S. Tuason against the Rural Progress Administration and brought to this Court on appeal from the judgment rendered by the Court of First Instance of Manila (G.R. No. L-3645). But evidence as to the identity of the tract of land purchased by the Rural Progress Administration from the Estate of the late Angela S. Tuason containing an area of seven hectares with the six parcels of land sought to be expropriated in these proceedings should have been submitted to the trial court. If the appellee had failed to do so, we do not think we can take notice of the record of a case of which the trial court had not taken notice for failure of the appellee to submit and ask or pray that it be so taken. If we should take notice of such a record, we would be performing an act which must be or must have been performed by the trial court on appellee's motion. Our function is to review the order appealed from. It seems obvious that we cannot take notice of, and take into consideration, a judicial record upon which the trial court did not have the opportunity to pass.

The order of dismissal appealed from is set aside and the case remanded to the court below for the determination

as to whether the six parcels of land sought to be expropriated by the plaintiff are included or not in the seven hectares of land which the Rural Progress Administration had acquired or agreed to acquire by purchase from the Estate of the late Angela S. Tuason, without costs.

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

Tuason, J., reserves his vote.

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.