

FERNANDO MARTINEZ, PETITIONER/APPELLANT, VS. FLORENCIA EVANGELISTA, OPPOSITOR/APPELLEE.

G.R. No. L-26399. January 31, 1981

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/84cd9045b936/>

FERNANDEZ, J.:

This is an appeal certified to this Court by the Court of Appeals[1] since the only issue raised is whether or not a petition to change the civil status of the registered owner of land from "married to Florencia Evangelista" to "single" can be filed in a Land Registration Case in the Court of First Instance under Section 112 of Act No. 496 and whether said court has jurisdiction to decide the petition, which is purely a question of law.

In a verified petition filed on December 13, 1960 before the Court of First Instance of Manila in LRC Record No. 11546 Fernando Martinez, being the registered owner of the lands, sought to strike out the words "married to Florencia Evangelista" appearing in Transfer Certificates of Title Nos. 6949, 6950, and 6951 of the Registry of Deeds of the City of Manila on the ground that the same was so entered by reason of clerical error or oversight, and in lieu thereof the word "single" be substituted, which according to the petitioner is his true and correct civil status, invoking Sec. 112 of Act 496. To this petition, an opposition was filed by Florencia Evangelista, alleging that the insertion of the phrase "married to Florencia Evangelista" was not the result of a mere clerical error or oversight but that there exists a serious and adverse claim which operates to throw the present petition outside the scope of Sec. 112 of Act 496. The oppositor-appellee submits that the lower court, sitting as a land registration court, had no jurisdiction to determine the civil status of the parties.[2]

On the basis of the pleadings and annexes thereto, the lower Court denied the petition in the following order:

"After considering the pleadings of both parties, this Court is of the opinion and so holds that before it shall order the correction of the description of the civil status of the petitioner appearing in the aforementioned certificates of title from "married to Florencia Evangelista" to "single", the question of his real civil status should first be determined by a court of competent jurisdiction in an ordinary action.

"Wherefore, finding the above-entitled petition not meritorious, the same is hereby denied.

"SO ORDERED.

"Manila, Philippines, February, 11, 1961.

"Sgd. A. Canizares
"Judge"[3]

From the above Order, the petitioner appealed to the Court of Appeals assigning the following as errors allegedly committed by the lower Court:

"ERRORS ASSIGNED

"I

"THE LOWER COURT ERRED IN FINDING THAT THERE WAS AN ADVERSE CLAIM OR SERIOUS CON-TROVERSY SO AS TO MAKE THE SUMMARY PROCEEDINGS IN SECTION 112, ACT 496 INAPPLICABLE.

"II

"THE TRIAL COURT ERRED IN NOT TAKING COGNIZANCE OF THE PROCEEDINGS AND RESOLVING THE CASE ON THE MERITS.

"III

"THE TRIAL COURT ERRED IN SUMMARILY DENYING THE PETITION."[4]

The petition for the cancellation of the words "married to Florencia Evangelista" and in its stead, the word "single" be substituted was filed under Section 112 of Act 496, Land Registration Act. The method for amendment or alteration outlined in this section by petition is summary or administrative in nature. Under the broad provisions of Sec. 112 of Act 496, a certificate of title may be amended or altered by proper order of the Court. However, this power of correction is subject to a certain limitation: that there is "unanimity among the parties" or there is no adverse claim or serious objection on the part of any party in interest; otherwise, the case becomes controversial and should be threshed out in an ordinary case or in the case where the incident properly belongs.[5]

The only issue to be resolved in the instant appeal is whether the opposition of Florencia Evangelista to the petition to strike out the phrase "married to Florencia Evangelista" in the transfer certificates of title in question and placing in lieu thereof the word "single" to describe the civil status of the petitioner is a serious or adverse claim which would bring the case outside the jurisdiction of the land registration court and thus preclude an award of relief under Sec. 112 of Act 496.

The answer is in the affirmative.

The petitioner contends that the words "married to Florencia Evangelista" were inserted in the transfer certificates of title in question due to clerical error and oversight.[6]

It is submitted, however, by the oppositor that the said insertion was caused by no reason of clerical error or oversight but by the voluntary act of the petitioner.

Fernando Martinez filed a petition dated January 18, 1946 in the Court of First Instance of Manila, in G. L. R. O. No. 4004, praying that the three certificates of title in question be issued in his name. In that petition, he stated under oath that he was "Fernando Martinez, of legal age, Filipino, married to Florencia Evangelista, and a resident of 422 Isabel, Sampaloc, Manila." [7] Based on the said petition, he was issued the three certificates of title in question wherein his civil status is described as "married to Florencia Evangelista." On November 28, 1952, he executed a mortgage on two of the properties covered by the transfer certificates of title in question in favor of the Philippine National Bank wherein he swore to the fact that he was married to Florencia Evangelista. [8]

Likewise, in June 1955, the petitioner-appellant and oppositor-appellee, as spouses, executed an additional mortgage in favor of the Rehabilitation Finance Corporation on the same properties. [9]

Finally, in the income tax returns filed by the petitioner-appellant in 1958 and 1959, it appears that he is married to Florencia Evangelista. [10]

It is thus seen that from 1946 to 1959 or for a period of no less than twelve (12) years, the petitioner-appellant had consistently maintained under oath that the oppositor-appellee, Florencia Evangelista, is his wife. Moreover, there is a showing that the petitioner-appellant and oppositor-appellee have four children namely; Maria Fe Martinez, Fernando Martinez, Jr., Eduardo Martinez, and Victoriano Noel Martinez. [11]

These overt and voluntary acts of the petitioner-appellant give rise to the conclusion that he and the oppositor-appellee are married. He had expressly alleged that he is married to the oppositor-appellee, Florencia Evangelista. [12]

It is now apparent that before the Court of First Instance of Manila, sitting as a land registration court, can alter the description of the civil status of the petitioner-appellant in the transfer certificates of title in question, it will have to receive evidence of and determine the civil status of the petitioner-appellant. This requires a full dress trial rendering the summary proceeding envisaged in Sec. 112 of Act 496 inadequate. [13]

As correctly pointed out by the Oppositor-Appellee in her brief:

"Had the lower court erred and ordered the alteration of the phrase in question, the spouse Florencia Evangelista would have practically been declared a mere querida, and the children illegitimate thus resulting in a judgment by a court of law affecting the status of five people without due process of law." [14]

Moreover, this Court has held:

"x x x changes in the citizenship of a person or in his status from legitimate to illegitimate or from married to not married are substantial as well as controversial, which can only be established in an appropriate adversary proceeding as a remedy for the adjudication of real and justifiable controversies involving actual conflict of rights the final determination of which depends upon the resolution of issues of nationality, paternity, filiation or legitimacy of the marital status for which existing substantive and procedural laws as well as other rules of court amply provide." [15]

All these lead to the inevitable conclusion that the question to be resolved in the instant petition is controversial in nature and that there exists an adverse claim or serious opposition on the part of a party-in-interest, the oppositor-appellee, Florencia Evangelista, It being so, the petition should be dismissed. The petitioner's recourse

would be in an ordinary civil action.[16]

WHEREFORE, the appeal is DISMISSED for lack of merit and the order appealed from is hereby AFFIRMED, without pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.

[1] Third Division, Concepcion Jr., J., ponente; and Enriquez J. and Soriano, E., JJ., concurring, Rollo, pp. 46-47.

[2] Record on Appeal, pp. 21-30, Rollo, p. 8.

[3] Record on Appeal, pp. 77-79; Rollo, p. 8.

[4] Brief for the Petitioner-Appellant, pp. 3-4, Rollo, p. 15.

[5] Cheng vs. Lim Tian Kee, 77 SCRA 440.

[6] Record on Appeal, pp. 3-4; Rollo, p. 8.

[7] Record on Appeal, p. 52; Rollo, p. 8.

[8] Appendix "3", Folder of Annexes.

[9] Appendix "2", Ibid.

[10] Appendices, "1" and "2", Ibid.

[11] Ibid.

[12] Sec. 5, par. (bb), Rule 131, Rules of Court.

[13] Cheng vs. Lim Tian Kee, 77 SCRA 440; Bareng vs. Shintoist Shrine and Japanese Charity Bureau, 83 SCRA 418.

[14] Brief for the Oppositor-Appellee, pp. 9-10; Rollo, p. 26.

[15] Chua Wee vs. Republic, 38 SCRA 409.

[16] Bareng vs. Shintoist Shrine and Japanese Charity Bureau, 83 SCRA 418; Cheng vs. Lim Tian Kee, 77 SCRA 440.

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.