

**FABIAN GARCIA, ANATALIA GARCIA AND BENJAMINA GARCIA,
PETITIONERS, VS. HON. ELOY B. BELLO, JUDGE OF THE COURT OF
FIRST INSTANCE OF PANGASINAN AND PEDRO DE GUZMAN,
RESPONDENTS.**

G.R. Nos. L-24702 and L-26357. September 23, 1966

Ponente: RUIZ CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/96f1ca25c004/>

RUIZ CASTRO, J.:

Petition for certiorari and prohibition and for preliminary injunction.

On July 3, 1965 Fabian, Anatalia and Benjamina, all surnamed Garcia, filed a petition for certiorari and prohibition with this Court against Judge Eloy Bello of the Court of First Instance of Pangasinan, and Pedro De Guzman, docketed as L-24702, praying that the respondents be restrained from enforcing the order of the respondent Court of May 29, 1965, quoted hereunder:

"As prayed for in the motion for execution, let a writ of possession issue, but the oppositors, Benjamina Garcia, Anatalia Garcia, and Fabian Garcia, are hereby given a period of twenty (20) days from receipt of this order within which to remove their respective houses from the land subject of this case."

By resolution of July 12, 1965 this Court dismissed the petition "for insufficient allegations and for lack of supporting papers." On July 29, 1965 the petitioners filed a motion for reconsideration wherein they alleged that the "lack of supporting papers" was an inadvertence on their part; to said motion were attached the aforesaid supporting papers.

By resolution of August 2, 1965 the resolution of July 12, 1965 was reconsidered, the petition was given due course, and the respondents were ordered to file an answer.

It is alleged in the petition that the respondent Judge issued the afore-quoted order with grave abuse of discretion and in excess of its jurisdiction, because the decision of this Court in "Benjamina Garcia, Anatalia Garcia, Fabian Garcia and Vicente Garcia, petitioners, versus Hon. Eloy B. Bello, Judge of the Court of First Instance of Pangasinan and Pedro de Guzman, respondents", G. R. L-21355, promulgated on April 30, 1965, has not yet become final and executory, as there is pending adjudication by this Court a motion for reconsideration thereof; that on June 2, 1965 the same petitioners, as oppositors in Land Registration Case 765 of the respondent Court, filed therein a motion for reconsideration of the order of May 29, 1965 (appendix C), wherein they alleged that of the 84 hectares of land, subject-matter of litigation in the said case, de Guzman is already in possession of 67 hectares thereof which he leased to Amado Fernandez and Teodorico Paragas on December 12, 1960 (appendix D); that the remaining 17 hectares do not belong to de Guzman because he sold them to Juan Garcia, father of the herein petitioners (appendices E and F); and that de Guzman being already in possession of the aforesaid 67 hectares, and not being the owner of the remaining 17 hectares, the writ of possession prayed for by him has become moot and academic.

On August 20, 1965 de Guzman filed his answer to the petition wherein he traverses the allegation of the petitioners that they are the absolute owners of the 17 hectares claimed by them, pointing to the final and executory decision of this Court in L-21355, April 30, 1965,[1] which dismissed a petition for certiorari and prohibition filed by the same petitioners against the respondent Judge Eloy B. Bello of the same respondent Court for the purpose of restraining the latter from further proceeding in Land Registration Case 765, G.L.R.O. Record 15485. De Guzman argues that the respondent court did not abuse its discretion in issuing the order complained of as this was issued pursuant to the judgment of this Court in L-21355, which upheld the authority of the respondent court to proceed with the issuance of the writ of possession; and that the present petition which poses the issue of ownership of the 84 hectares of land, is barred by prior judgment, involving the same parties and the same subject-matter, in Land Registration Case 765, G.L.R.O. Record 15485. De Guzman prays that the petition be denied.

The case was set for hearing on October 11, 1965. The attorney for the respondents appeared and submitted the case for decision without oral argument. There was no appearance for the petitioners, although on February 3, 1966 they filed an ex-parte petition, praying that a writ of injunction issue pending the resolution of the case, which petition was denied by this Court's resolution of February 9, 1966.

On August 1, 1966 the same petitioners filed a petition against the same respondent Judge Eloy B. Bello, docketed as L-26357, praying that pending the resolution of L-24702 a writ of preliminary injunction issue to restrain the said Judge from enforcing his order of May 29, 1965.

By resolution of August 8, 1966 this Court required the respondent Judge to answer the petition, which he did, on August 31, 1966.

The vital issue posed by the present petition is whether the respondent Judge abused his discretion in issuing the writ of possession prayed for by De Guzman.

This self-same issue has already been resolved in the negative in L-21355, April 30, 1965, wherein this Court, speaking thru Mr. Justice Roberto Concepcion, now Chief Justice, said:

"The record shows that, on October 18, 1918, respondent Pedro de Guzman instituted said proceeding for the registration, in his name, of a tract of land situated in the municipality of San Carlos, Province of Pangasinan; that, on January 30, 1923, judgment was rendered in said proceeding as prayed for by De Guzman; that on July 18, 1923, Original Certificate of Title No. 25381 was, accordingly, issued in his favor; that on March 24, 1959, herein petitioners instituted Civil Case No. 13847-II of the said court, against De Guzman, for the reconveyance of the aforementioned land in favor of herein petitioners; that on April 4, 1959, De Guzman moved to dismiss said case No. 13847-II upon the ground that the same is barred by the judgment rendered in Land Registration Case No. 765, that petitioners have no cause of action and that the alleged right of said petitioners and their action based therein are barred by the statute of limitations; that on April 27, 1959, said motion to dismiss was granted; that, on appeal taken by herein petitioners, the case was docketed in the Supreme Court as G.R. No. L-15988; that on September 1, 1959, respondent Judge had authorized, in said land registration case, the issuance of a writ of possession in favor of De Guzman; that this writ of possession was not, however, executed, owing to the pendency of said appeal in the Supreme Court; that the latter rendered, on August 30, 1962, a decision affirming the order of dismissal appealed from; that soon thereafter, or on December 29, 1962, respondent De Guzman reiterated in the aforementioned land registration case, his motion for issuance of a writ of possession in his favor; that on January 2, 1963, petitioners herein objected to said motion of De Guzman, which was granted by respondent Judge on February 2, 1963; and that, accordingly, on June 4, 1963, petitioners herein instituted the present original action for certiorari and prohibition to restrain respondent Judge from enforcing said writ of execution and further proceeding in said case, upon the ground that the decision rendered in the land registration case is not binding upon them because they were not parties

therein and because they had taken possession of the land in question after tile rendition of said decision.

"The petition herein is patently devoid of merit. To begin with, a land registration case is a proceeding in rem, and accordingly, the decision therein rendered is binding upon the whole world (*Soroñgon vs. Makalintal et al.*, 80 Phil. 259). Secondly, in civil case No.13847-II of the Court of First Instance of Pangasinan, petitioners herein sought to compel De Guzman to reconvey the land in question upon the theory that the decree of registration thereof in his name was based upon a deed of donation dated June 1, 1918 which had been fraudulently secured by De Guzman from Juan Garcia, the father of petitioners herein, who, allegedly, were in possession of said land at that time, and remained continuously in possession thereof. Apart from the fact that petitioners' complaint in said case indicated that petitioners were in possession of the land prior to and at the time of the institution of the land registration proceedings - thus refuting their allegation in the present case to the effect that the decision in the land registration case does not bind them because their possession is subsequent to said decision - the trial court, whose decision was affirmed by this Court, held that the alleged fraud in the execution of the aforementioned deed of donation had been disproved by the fact that, although petitioners' father Juan Garcia, did not die until 1950, or thirty-two (32) years after the execution of said deed, he neither sought to annul the same nor opposed De Guzman's petition for the registration of the land in question in his name. Lastly, it was held in said case No. 13847-II of the lower court and G.R. No. L-15988 of this Court that the decree of land registration in favor of De Guzman bars the claim of petitioners herein."

It may be argued that the present opposition to the issuance of the writ of possession is based, not on any of the grounds relied upon in L-15988[2] and in L-21355, but on the theory that of the land subject-matter in Land Registration Case 765, G.L.R.O. Record 15485, covering a total area of 84 hectares, only 67 hectares belong to de Guzman and the rest (17 hectares) belongs to Juan Garcia, father of the herein petitioners, de Guzman having allegedly sold the same to him, as evidenced by an "ESCRITURA DE COMPRA VENTA" supposedly executed by de Guzman on May 3, 1916 (appendix F), and by an "ESCRITURA. DE COMPRA VENTA DEFINITIVA", also allegedly executed by de Guzman on April 4, 1938 (appendix E).

These two documents can not avail the petitioners any. If Juan Garcia did acquire a 17-hectare portion of the land subject-matter of the said land registration case sometime in 1916, he should have opposed de Guzman's petition for the registration of the entire land in question in his name, which petition was filed on November 18, 1918. Nor did Juan Garcia ever seek annulment of the registration proceedings. He never brought action for the enforcement of his alleged rights from 1918 to his death in 1950; neither did the present petitioners ever invoke these documents in L-15988 and in L-21355.

At all events, the question of ownership of the land with a total area of 84 hectares in Land Registration Case 765, G.L.R.O. Record 15485, has been finally determined by this Court in L-15988 and in L-21355, both involving the same parties and the same subject-matter. In these two cases this Court declared that the decree of land registration in favor of de Guzman bars the claim of the petitioners over the same land, including the 17-hectare portion thereof.

This Court also observed in L-15988 that even if the land in dispute was not registered in the name of de Guzman under the Torrens system, he had already acquired the same by prescription "no matter how the possession thereof had originated or begun." Said this Court in L-15988:

"In their brief the appellants contend that the trial court admitted a reversible error when it dismissed the complaint without trial or hearing the evidence of the parties, as there is no evidence or fact by which it could determine the truthfulness of the allegations of the complaint. There is no merit in this error assigned by the appellants, because the deed of donation executed by Juan Garcia in favor of Pedro de Guzman on 1 June 1918 and acknowledged before a notary public on the same date (Appendix A); a petition for the registration of the parcel of land dated 18 October 1918 by Pedro de Guzman, the appellee (Appendix B); judgment rendered on

30 January 1923 in land registration case No. 765, G.L.R.O. Record No. 15485, decreeing the registration of the parcel of land in the name of the appellee (Appendix D); original certificate of title No. 25381 issued on 18 July 1923 by the Registrar of Deeds in and for the province of Pangasinan upon the decree just referred to (Appendix C), all attached to the complaint, indubitably show that the action brought by the plaintiff is barred by a prior decree entered in land registration case No. 765, G.L.R.O. Record No. 15485, Pedro de Guzman, applicant.

"The appellants also claim that the trial court erred in holding that an action for reconveyance on the ground of fraud is barred after the lapse of four years from the time the right of action accrued and that for that reason this action was brought beyond the 4-year period prescribed by law. There is also no merit in this claim, for the reason that, as correctly held by the trial court, from 1 June 1918 to 1950 or for a period of 32 years Juan Garcia, the appellants' father who donated to the appellee the parcel of land, could have asked for the annulment of the deed of donation and yet did not do so. He had another opportunity to annul such deed when in 1929 a survey of the lands in San Carlos was begun. He should have had the parcel of land surveyed in his name and his answer filed in the cadastral court claiming it as his property but he did not do so. As regards the appellants, after their father's death in 1950, they should have taken steps or filed an action to annul the said deed of donation on the ground of fraud. Even if the parcel of land were not registered in the name of the appellee under the Torrens system he would have acquired title to it by prescription no matter how the possession thereof had originated or begun, which precludes an action for its recovery on the ground of fraud."

ACCORDINGLY, the present petition is hereby dismissed for being patently unmeritorious, with double costs against the petitioners.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Makalintal, Bengzon, JP, Zaldivar, and Sanchez, JJ., concur.
Regala, J., no part.

[1] Petitioners' motion for reconsideration of the decision in L-21355 was denied by this Court in a resolution dated June 2, 1965.

[2]"Vicente Garcia, Benjamina Garcia, Anatalia Garcia, Fabian Garcia and Tranquilino Reyes vs. Pedro de Guzman", August 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.