

LEA AROJO DE DUMELOD, LEONARDO DUMELOD, ANICETO DUMELOD, FELICITAS DUMELOD AND JOSE DUMELOD, PLAINTIFFS AND APPELLEES VS. BUENAVENTURA VILARAY, DEFENDANT AND APPELLANT.

G. R. No. L-4814. April 27, 1953

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/97642440dc68/>

TUASON, J.:

Section 116 of Act No. 2874 as amended by Act No. 3517 provides:

"SEC. 116. Except in favor of Government or any of its branches, units, or institutions, or legally constituted banking corporations, lands acquired under the free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period; but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations or corporations."

The sole question for decision on this appeal involves the construction of the above-quoted provisions, to wit: whether the five-year period provided therein commences from the date of the issuance of the patent or from the date the certificate of title was issued and registered in the office of the register of deeds. This appeal is from a decision of the Court of First Instance of Nueva Vizcaya sustaining the latter theory, on the authority of *Bundoc vs. Hilario*, CA-G. R. No. 2267 (40 Off. Gaz., 176).

The same question as herein raised was squarely presented in the case of *Register of Deeds of Nueva Ecija vs. Director of Lands* (40 Off. Gaz., 954), decided on June 13, 1941. In that case the court held that the starting point of the computation was the date of the homestead patent or grant and not the date of the certificate of title, which was issued by the register of deeds in accordance with section 122 of Act No. 496. And this opinion was reaffirmed in *Villacorta vs. Ulanday* (41 Off. Gaz., No. 12, pp. 870-872), decided in December, 1942, "as a correct interpretation of the law." In that case, the court expressly overruled the decision of the Court of Appeals before mentioned.

Upon the facts of the case at bar, the present appeal must be sustained. Here, the patent was issued to the plaintiffs' predecessor in interest on November 15, 1933, the patent was recorded and certificate of title was issued on March 21, 1934, and the patentee, plaintiffs' grandfather, sold the land to the defendant on November 16, 1938. Thus, the sale was effected within five years from the date of the registration of the patent but outside of five years if this period is to be reckoned, as it should be, from November 15, 1933, the date of the grant.

The appealed judgment therefore is reversed, with costs against the appellees.

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

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.