

**VIRGILIO V. VILLANUEVA AND ANGELITA VILLANUEVA SANIDAD,
PLAINTIFFS AND APPELLANTS, VS. FIDEL VILLANUEVA, DEFENDANT
AND APPELLEE.**

G.R. No. L-4594. March 26, 1952

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a373000cc679/>

BAUTISTA ANGELO, J.:

This is an appeal from an order of the Court of First Instance of Ilocos Sur dated October 31, 1950, sustaining the motion to dismiss filed by defendant and ordering the plaintiffs to amend their complaint so as to exclude therefrom their second cause of action within 15 days from notice.

On August 21, 1950, plaintiffs filed a complaint against the defendant containing two causes of action wherein they asked for the rescission and annulment of two deeds of sale of real property. Copies of the deeds were attached to the complaint.

On October 15, 1950, defendant filed a motion to dismiss alleging that the averments of the complaint are insufficient to constitute a cause of action and that one of the alleged causes of action had already prescribed. To this motion plaintiffs replied contending that the same is without merit.

On October 31, 1950, the Court issued an order sustaining the motion to dismiss in so far as the second cause of action is concerned and ordered the plaintiffs to amend their complaint within 15 days after receipt of the copy of the order. The motion for reconsideration having been denied, plaintiffs elevated the case to this Court.

The only question involved in this appeal refers to the insufficiency of the second cause of action of the complaint. The Court, in acting on the motion to dismiss as well as on the reply interposed thereto, concluded that the facts alleged in the complaint as regards the second cause of action show that the action of the plaintiffs has already prescribed it appearing that more than 10 years had elapsed since the execution of the deed of sale Annex B. Appellants now contend that this conclusion is erroneous.

This claim is well taken. In concluding that the action has already prescribed the lower court apparently has taken as basis the date of the execution of the deed of sale Annex B, or May 4, 1940, without considering the real cause of the annulment of the sale. This is an action for the annulment of sale of real property based on fraud and not an action for specific performance. The purpose of the action is not to enforce the sale but to rescind or annul it, and as such the basis to be taken for the accrual of the action should be not the date of the execution of the contract but the date of the discovery of the fraud. It appearing that the fraud was discovered only on November 27, 1946, and the complaint has been filed on August 21, 1950, it is clear that the period of four years within which the action should be brought has not yet expired.

With regard to the contention that this case comes under the prescriptive period of the Code of Civil Procedure, it suffices for us to state that, whether it be considered under article 1391 of the new Civil Code, or under the provisions of the Code of Civil Procedure on limitations of action, the outcome of the case would be the same, for

under both laws an action for annulment of a contract based on fraud has to be filed within a period of four years from the date of the discovery of the fraud (section 43(3), Code of Civil Procedure).

Wherefore, the order appealed from is reversed. It is ordered that this case be remanded to the lower court for further proceedings, with costs against the appellee.

Paras, C. J., Pablo, Padilla, Tuason, Montemayor, Reyes, and Jugo, JJ., concur.

CONCURRING

BENGZON, J.:

I concur in the result. I agree with counsel for appellee that the second cause of action seeks to recover the title to, or possession of real property and that it should be filed "within, ten years after the cause of such action accrues" (Sec. 40 Code of Civil Procedure). But I notice that in this particular case, according to the allegations of the complaint, the cause of action accrued in November 1946, i.e., about four years before the beginning of these proceedings.

Since fraud is alleged as ground for the prayer to annul the sale and to uphold plaintiff's ownership, the second cause of action may not be regarded merely as an action "for relief on the ground of fraud" within the meaning of section 43(3) of the Code of Civil Procedure, because that section refers expressly to actions "other than for the recovery of real property." "A suit to quiet title has been held to be an action for the recovery of real property within a statute of limitations applying to such an action, and not an action for relief on the ground of fraud, limited in another statute, although plaintiff alleges that defendant fraudulently acquired the land." (53 Corpus Juris Sec. p. 988)

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.