HEIRS OF MAMERTO INGJUG, PETITIONERS, VS. AMPARO PALALAY, IN HER CAPACITY AS THE SCHOOL PRINCIPAL OF SUBA-BASBAS ELEMENTARY SCHOOL AND CARMELITA DULANGON IN HER CAPACITY AS LAPU...

Ponente: INGLES, G. T., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/d7b638e30ecf/

INGLES, G. T., J.:

Before this court is a petition for review filed under Rule 42 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision[1] dated October 19, 2011, of the Regional Trial Court, Seventh Judicial Region, Branch 27, Lapu-Lapu City in Civil Case No. M-LLP-08-00546-CV affirming the Decision[2] dated May 5, 2010, of the Municipal Trial Court in Cities, Seventh Judicial Region, Lapu-Lapu City in Civil Case No. M-LLP-08-00546-CV which ordered the dismissal of petitioners' complaint for unlawful detainer.

THE FACTS:

Petitioners are the grandchildren of the late Mamerto Ingjug who is the registered owner of Lot No. 3116.

In 1939, Mamerto Ingjug died intestate leaving a substantial portion of parcel of land designated as Lot No. 3116 covered by OCT[3] No. RO-3091. During his lifetime, on June 25, 1929, he donated a portion of Lot 3116 consisting of 612 square meters to the then Opon government, now the Lapu-Lapu City via Deed of Donation.

Lot 3116 was subsequently subdivided into two portions on October 11, 1930 - Lot 3116-A to Mamerto Ingjug and Lot 3116-B to the the Opon government consisting of 612 square meters. The subdivision survey was approved by the Bureau of Lands on March 4, 1931.

In 1992, petitioners declared themselves as lawful heirs of the late Mamerto Ingjug adjudicating among themselves Lot 3116. They paid the real estate taxes due thereon.

Suba-Basbas Elementary School was then erected on Lot 3115, the land adjacent to Lot 3116. Respondent Amparo Palalay, former principal of the said school extended the construction of the new building on the undonated portion of Lot 3116. The school used the vacant area as children's playground and fenced it with GI sheets making it inaccessible to petitioners. Hence, on April 18, 2008, petitioners were constrained to write a demand letter to the School Superintendent of Lapu-Lapu City. Petitioners, as current owners, being heirs of the registered owner, called the attention of the school superintendent to vacate the subject premises which they were occupying by tolerance. Later on, petitioners were issued TCT No. 110-20122002630 on Lot 3116.

Petitioner Bartolome Escabas, in his capacity as attorney-in-fact of Pedro Tiro, Norma Saramosing, Leonardo Ingjug, Fernanda Ingjug, Zenaida Ingjug, Patricia Ingjug, Antonio Ingjug, Victor Munez, Elena Munez, Sergia Munez, Desiderio Munez, Bartolome Escabas, Toribio Escabas, Tiburcio Escabas, Alfredo Escabas, Antonio Escabas, and Modesta Escabas filed a Complaint[4] for unlawful detainer against respondents Amparo Palalay, in her capacity as the school principal of Suba-Basbas Elementary School and Carmelita T. Dulongan in her capacity as Lapu Lapu City Schools Superintendent, Department of Education with the Municipal Trial Court in Cities

(MTCC), Seventh Judicial Region, Lapu Lapu City in Civil Case No. M-LLP-08-00546-CV. In their complaint, petitioners alleged that respondents used the undonated portion of the subject property with their tolerance. Thus, they prayed for the court to order the removal of the GI fence enclosing Lot 3116-A to allow petitioners to enter the land.

Respondents filed their Answer[5] alleging that Lot 3116 is an integral part of Suba-Basbas Elementary School and that ownership of the entire Lot 3116 had already been judicially adjudicated in favor of the Lapu-Lapu City government. They claimed that the fence mentioned by petitioners was already existing in the premises before this case was filed in 2007. Respondent even assumed her position as principal and the school's division superintendent of Department of Education of Lapu-Lapu City before said fence was constructed.

Moreover, respondents contended that petitioners' insistence on their claim of ownership over Lot 3116-A was already denied with finality by the Supreme Court in a complaint for partition, recovery of ownership and possession, back rentals and damages filed by petitioners. In a Decision[6] dated October 11, 1999 in Civil Case No. 2885-L, the RTC, Branch 53, Lapu-Lapu City denied petitioners' claim of ownership on the ground of laches and declared the city government as owner of the entire Lot 3116, notwithstanding the reconstituted title in the name of Mamerto Ingjug over the same property allegedly establishing petitioners as co-owners of Lot 3116. As such, respondents averred that petitioners failed to establish any right of ownership or possessory rights over the entire property warranting the dismissal of the instant complaint for ejectment.

Subsequently, the parties filed their respective position papers.[7]

On May 5, 2010, Municipal Trial Court in Cities, Seventh Judicial Region, rendered a Decision[8], against petitioners, the dispositive portion of which reads:

> "On the basis of the above discussions, this Court finds that the principle of res judicata applies to the present action for unlawful detainer (ejectment). As such, the herein plaintiffs are now barred from pursuing said summary action for recovery of possession before this Court based on the former judgment. (Decision dated October 11, 1999) of the RTC, Branch 53, Lapu Lapu City, in Civil Case No. 2885-L- which former judgment operates as an evidence for the defendant school officials. Thus, it can be safely said that the Department of Education, through the herein defendant school officials, has the better right over the herein plaintiffs to the material and physical possession of the entire Lot 3116 including Lot 3116-A, being the end user and actual possessor thereof which right to use and possess it legally claimed under the City Government of Lapu Lapu City, in consonance with the said final Decision of the RTC, in Civil Case No. 2885-L. In an action for unlawful detainer, the issue is the right to physical or material possession of the subject real property independent of any claim of the parties involved.
>
> WHEREFORE, in view of the foregoing considerations, judgment is hereby rendered in favor of the defendants AMPARO PALALAY and CARMELITA DULANGON and against the plaintiffs, thereby dismissing the above-docketed civil case for unlawful detainer, with costs against the plaintiffs.
>
> SO ORDERED."

Aggrieved, petitioners filed an appeal with the Regional Trial Court, Seventh Judicial Region, Branch 27, Lapu Lapu City which was denied in a Decision[9] dated October 19, 2011, the pertinent portion of which reads:

> "In this instant case, however, plaintiffs-appellants merely alleged their ownership of the land. There were no allegations showing that the possession of defendants-appellees were initially legal – by virtue of a contract, express or implied, and that it became illegal after the expiration of their right to possess. Neither did the complaint claim as a fact any overt act that they had permitted or tolerated defendants-appellees' occupancy of Lot 3116-A.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> It has been noted that “in order to justify an action for unlawful detainer, the owner's permission or tolerance must be present at the beginning of the possession. Furthermore, the complaint must aver the facts showing that the inferior court has jurisdiction to try the case, for example, by describing how defendant's possession started or continued.” (Heirs of Demetrio Melchor vs Julio Melchor, GR No. 150633, November 12, 2003)
>
> Necessarily, the instant appeal exposed itself to the inevitable conclusion that plaintiffs-appellants do not have a cause of action against defendants-appellees.
>
> WHEREFORE, premises considered, the assailed May 5, 2010 Decision of the Municipal Trial Court in Cities, Lapu Lapu City is hereby AFFIRMED in toto.
>
> Costs against plaintiffs-appellants.
>
> SO DECIDED.”

Not satisfied, petitioners filed a Motion[10] for reconsideration which was denied in an Order[11] dated December 27, 2012.

Dismayed, petitioners filed this appeal, interposing the following errors, to wit:

Assignment of Errors

> I.
> “THE MUNICIPAL TRIAL COURT IN CITIES AND THE REGIONAL TRIAL COURT, BRANCH 27, LAPU LAPU CITY ERRED IN DISMISSING THE COMPLAINT ON GROUND OF RES JUDICATA AND PRESCRIPTION;
>
> II.
> THE REGIONAL TRIAL COURT, BRANCH 27, LAPU LAPU CITY ERRED IN HOLDING THAT THE PETITIONERS FAILED TO PROVE TOLERANCE AS BASIS FOR UNLAWFUL DETAINER;
>
> III.
> THE REGIONAL TRIAL COURT ERRED IN DISREGARDING THE VALID AND EXISTENT ORIGINAL CERTIFICATE OF TITLE NO. RO-3091 IN THE NAME OF MAMERTO INGJUG WHICH WAS NOW TRANSFERRED TO THE PETITIONERS UNDER TCT NO. 110-20122002630; and
>
> IV.
> THE REGIONAL TRIAL COURT ERRED IN APPLYING THE CASE OF MELCHOR VS MELCHOR WHICH IS A CASE FOR FORCIBLE ENTRY AND NOT FOR UNLAWFUL DETAINER.”

THIS COURT'S RULING:

Elements of unlawful detainer

In the main, petitioners assert that they are entitled to the physical possession of Lot 3116 except for the donated portion measuring 612 square meters. They claim that they are owners of the subject Lot as lawful heirs of the late Mamerto Ingjug as evidenced by the (a) Declaration of the Heirs of Adjudication of Lot 3116 in their favor and (b) the overt act of one of the children of the late Mamerto Ingjug viz a viz the reconstitution of title when it was lost in their possession. Petitioners, as owners of Lot 3116-A by virtue of succession, argue that they are entitled to possession of the subject lot as one of the attributes of ownership. They posit that no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession in accordance with the Property Registration Decree. As such, petitioners aver that Lot 3116 save for the donated area of 612 square meters belongs to the the registered owner and his heirs. In connection thereto, petitioners submit that respondents never acquired Lot 3116-A absent any of the valid modes of transfer voluntarily entered into by

Mamerto Ingjud and his heirs. Petitioners hence reiterate that they are lawful owners of the Lot 3116 under OCT No. RO-3091. In effect, they maintain that respondents have no right to retain possession of the undonated portion of the land since they possessed the same by mere tolerance. Citing Heirs of Maligaso, Sr. vs Encinas, GR No. 182716, June 20, 2012 the Supreme Court held that lands covered by a title cannot be acquired by prescription or adverse possession.

Petitioners' assertion fails to persuade.

An action for forcible entry or unlawful detainer is governed by Rule 70 of the Rules of Court, Section 1 of which provides:

> "SECTION 1. Who may institute proceedings, and when. - Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs."

Otherwise stated, unlawful detainer is a summary action for the recovery of possession of real property. This action may be filed by a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession by virtue of any contract, express or implied. In unlawful detainer cases, the possession of the defendant was originally legal, as his possession was permitted by the plaintiff on account of an express or implied contract between them. However, defendant's possession becomes illegal when the plaintiff demands that defendant vacate the subject property due to the expiration or termination of the right to possess under their contract, and defendant refuses to heed such demand.[12] Instructively, in Spouses Barnachea vs Court of Appeals, et al.[13] the High Court held that unlawful detainer is attended by the following features: (1) prior possession of the property by the plaintiff is not necessary; (2) possession of the property by the defendant at the start is legal but the possession becomes illegal by reason of the termination of his right to possession based on his or her contract or other arrangement with the plaintiff; (3) the plaintiff is required by law to make a demand as a jurisdictional requirement; and (4) the one-year period to bring the complaint is counted from the date of the plaintiff's last demand on the defendant.

Since 1929, when the property was donated, respondents were in possession of the subject land and began constructing improvements thereon starting 1964. There was never any opposition over such acts of respondents from the supposed heirs until 2007, when the school principal of Suba-Basbas Elementary School constructed a concrete fence along the road right of way and improvised fence along Lot 3116 which prevented petitioners from entering their property. Petitioners insist that respondents' occupation of the property was by mere tolerance of their predecessors-in-interest and when they demanded for them to vacate and remove the fence which they erected thereon, respondents' right of possession was thus terminated.

A careful perusal of the instant complaint and petitioners' position paper does not show that there was tolerance on the part of their predecessors-in-interest in respondents' occupation of the subject property. There is a dearth of evidence that respondents have unlawfully detained any portion of Lot No. 3116. In short, respondents' right to possess or occupy the property was not terminated because of any contract or agreement with petitioners or their predecessors-in-interest nor was tolerance to possess the same withdrawn. As such, the court a quo correctly ruled that there is no cause of action for unlawful detainer.

Further, we are guided by Unida vs Heirs of Ambrosio Urban, GR No. 155432, June 9, 2005 wherein the High Court elucidated on the matter of tolerance, thus:

> "For to justify an action for unlawful detainer, the permission or tolerance must have been present at the beginning of the possession. Otherwise, if the possession was unlawful from the start, an action for unlawful detainer would be an improper remedy. Sarona v. Villegas elucidates thus: "A close assessment of the law and the concept of the word 'tolerance' confirms our view heretofore expressed that such tolerance must be present right from the start of possession sought to be recovered, to categorize a cause of action as one of unlawful detainer not of forcible entry. . . ." As correctly held then by the RTC, the case cannot be considered as an unlawful detainer case, the "tolerance" claimed by respondents not being that contemplated by law in unlawful detainer cases; neither can the case be considered as one for forcible entry because the entry of petitioners was not alleged to have been by means of force, intimidation, threats, stealth or strategy."

Since the tolerance alleged by petitioners to have existed was not present from the start of possession of the subject property, the instant unlawful detainer must fail as it is not the one contemplated in law. And, even if we are to consider this case as one for forcible entry, the complaint is still subject to dismissal in the absence of allegations of prior possession and the manner of entry into the land.

Possession de facto is
the only issue in ejectment

Petitioners insist that the RTC erred in ruling that they failed to allege that their possession of the land was initially legal, a requirement essential in forcible entry cases. Petitioners aver that Melchor case relied upon by the court a quo is one for forcible entry which is not applicable in this complaint for unlawful detainer. Hence, petitioners maintain that the court a quo erred in holding that they did not have a cause of action against respondents. All the while, petitioners argue that they are entitled to possession of the subject property as registered owners of the same.

We reject petitioners' contention.

Petitioners misinterpreted the ruling of the court a quo. In Melchor vs Melchor GR No. 150633, November 12, 2003, the Supreme Court had the occasion to distinguish between an action for forcible entry versus one for unlawful detainer. The High Court held that in order to justify an action for unlawful detainer, the owner's permission or tolerance must be present at the beginning of the possession and that the complaint must aver the facts showing that the inferior court has jurisdiction to try the case, for example, by describing how defendant's possession started or continued. In the instant case, the RTC cited Melchor to support its ruling there is no cause of action for unlawful detainer and not forcible entry in view of the circumstances of this case. We must clarify. The RTC did not state that possession of the land must be legal from the beginning, but that tolerance of respondents' occupation thereof must be present from the start.

Notably, petitioners presented arguments pertaining to their right of possession over the subject property anchored on their right of ownership thereof. In fact, they reiterate that they are the registered owners of the subject property which they acquired by virtue of succession. However it should be stressed that the only issue for resolution in actions for ejectment is possession de facto or physical possession of the property involved independent of any claim of ownership by any party litigant. In Aznar Brothers Realty Corp vs Court of Appeals[14], the High Court declared that: "In an action for ejectment, the only issue involved is possession de facto. However, when the issue of possession cannot be decided without resolving the issue of ownership, the court may receive evidence upon the question of title to the property but solely for the purpose of determining the issue of possession." Such decision, however, does not bind the title or affect the ownership of the land nor is conclusive of the facts found in a case between the same parties upon a different cause of action involving

possession.[15]

Too, the Supreme Court elucidated in Dizon v. Court of Appeals[16], thus:

> "Well-settled is the rule that in an ejectment suit, the only issue is possession de facto or physical or material possession and not possession de jure. So that, even if the question of ownership is raised in the pleadings, as in this case, the court may pass upon such issue but only to determine the question of possession especially if the former is inseparably linked with the latter. It cannot dispose with finality the issue of ownership — such issue being inutile in an ejectment suit except to throw light on the question of possession. This is why the issue of ownership or title is generally immaterial and foreign to an ejectment suit.
>
> Detainer, being a mere quieting process, questions raised on real property are incidentally discussed. In fact, any evidence of ownership is expressly banned by Sec. 4 of Rule 70 except to resolve the question of possession. Thus, all that the court may do, is to make an initial determination of who is the owner of the property so that it can resolve who is entitled to its possession absent other evidence to resolve the latter. But such determination of ownership is not clothed with finality. Neither will it affect ownership of the property nor constitute a binding and conclusive adjudication on the merits with respect to the issue of ownership. . .."

In the case at bar, the determination as to who has better right of possession of the subject premises can be resolved without delving into the issue of ownership, albeit provisionally. There is no need for this Court to touch upon questions of validity of the certificate of title or reconstituted title, or whether such title was issued fraudulently in favor of a litigant or his predecessor-in-interest for us to rule on which party has a better right of possession. Likewise, an ejectment suit is not the appropriate action to determine the validity of a contract or memorandum of agreement involving the same property. A proper action for said purpose may be filed by a party seeking to question the validity of such documents.

Res judicata and prescription

In another vein, petitioners point out that in ruling on the motion for reconsideration filed by them, the RTC, in a different tone, dismissed their motion on the basis of res judicata and prescription barring their remedy of possession. Also, petitioners asseverate that the RTC made a baseless finding that Lot 3116 is actually owned by the Lapu Lapu City government which was permitted to possess such property. Petitioners contend that there is no contract either verbal or written between respondent school and the Lapu Lapu City Government. They also opine that the local government of Lapu Lapu City is entirely separate and distinct from respondent Suba Basbas Elementary School which is under the Department of Education. Hence, petitioners claim that there is no identity of parties.

It is the submission of petitioners that both the MTCC and RTC erred in dismissing the instant complaint on the grounds of res judicata and prescription. They aver that the case for partition, damages, recovery of ownership and possession against the city government of Lapu Lapu docketed as CA GR No. 68800 which reached the Court of Appeals finding laches on their part does not constitute as res judicata. The said case pertained to the possession of the used portion of Lot 3116 as a road without payment of just compensation and erection of school building. Petitioners aver that the local government of Lapu Lapu is entirely separate and distinct from respondent Suba Basbas Elementary school such that there is no identity of parties. Likewise, petitioners posit that the court a quo erred in holding that prescription lies against them considering that a real property registered under the Torrens system is imprescriptible.

There is some merit in petitioners' submission.

In Lanuza vs Court of Appeals, GR No. 131394, March 28, 2005, the High Court discussed the principle of res judicata, to wit:

> “Res judicata means a matter adjudged, a thing judicially acted upon or decided; a thing or matter settled by judgment. The doctrine of res judicata provides that a final judgment on the merits rendered by a court of competent jurisdiction is conclusive as to the rights of the parties and their privies and constitutes an absolute bar to subsequent actions involving the same claim, demand, or cause of action. The elements of res judicata are (a) identity of parties or at least such as representing the same interest in both actions; (b) identity of rights asserted and relief prayed for, the relief being founded on the same facts; and (c) the identity in the two (2) particulars is such that any judgment which may be rendered in the other action will, regardless of which party is successful, amount to res judicata in the action under consideration.

The test often used in determining whether causes of action are identical is to ascertain whether the same facts or evidence would support and establish the former and present causes of action. More significantly, there is identity of causes of action when the judgment sought will be inconsistent with the prior judgment.

Civil Case No. 2885-L filed with the Regional Trial Court, Branch 53, Lapu-Lapu City involves an action for partition, recovery of ownership and possession, back rentals and damages while the instant controversy is an action for unlawful detainer. The two cases differ in the form of action taken by the same plaintiffs (heirs of Mamerto Ingjug). In Civil Case No. M-LLP-08-00546-CV, the case as found by the MTCC is an ejectment suit. In Civil Case No. 2885-L filed with the Regional Trial Court, Branch 53, Lapu-Lapu City, the cause of action is for recovery of possession and ownership and not ejectment. The distinction between a summary action of ejectment and a plenary action for recovery of possession and/or ownership of the land is well-settled in our jurisprudence. What really distinguishes an action for unlawful detainer from a possessory action (accion publiciana) and from a reivindicatory action (accion reivindicatoria) is that the first is limited to the question of possession de facto. An unlawful detainer suit (accion interdictal) together with forcible entry are the two forms of an ejectment suit that may be filed to recover possession of real property. Aside from the summary action of ejectment, accion publiciana or the plenary action to recover the right of possession and accion reivindicatoria or the action to recover ownership which includes recovery of possession, make up the three kinds of actions to judicially recover possession.[17]

Clearly, these cases are two separate causes of action and therefore the principle of res judicata does not apply to the present case.

Verily, petitioners' claim of possession of Lot No. 3116-A in this ejectment case is anchored on their claim of ownership of Lot 3116 as heirs of the late Mamerto Ingjug. The court a quo opined that the same issues in this case have already been raised in Civil Case No. 2885-L which was ordered dismissed by the RTC, Branch 53, Mandaue City in a Decision dated October 11, 1999 and affirmed by the Court of Appeals in its Decision[18] dated December 30, 2003. In its Decision, the MTCC noted thus: xxx t”he same pieces of evidence required to substantiate the respective claims of plaintiffs in Civil Case No. 2885-L and that in the present case are basically the same which include, among others, the Original Certificate of Title RO-3091 covering the entire Lot 3116 registered in the name of Mamerto Ingjug and the Deed of Donation executed by Mamerto Ingjug in favor of the Municipal government of Opon (now the city government of Lapu Lapu). Again, the present action for unlawful detainer instituted by the same plaintiffs appears to be a mere reiteration of plaintiffs' previous claim for (not only Lot 3116-A) based on the substantially the same evidence presented.”

The court a quo held that there is identity of causes of action, there being the same evidence that would support and establish the two causes of action. We cannot agree. Following the ruling in Custodio vs Corrado, GR No.146082, July 30, 2004, the Supreme Court declared that res judicata cannot apply considering that judgment in a forcible entry or detainer case disposes of no other issue than possession and establishes only who has the right of possession, but by no means constitutes a bar to an action for determination of who has the right or title of ownership. The High Court explained that an ejectment case involves a different cause of action from an accion

publiciana or accion reivindicatoria, and the judgment of the former shall not bar the filing of another case for recovery of possession as an element of ownership or vice versa.

Too, it bears stressing that the issue on the applicability of res judicata to the circumstance obtaining in this case is far from novel and not without precedence. In Vda. de Villanueva v. Court of Appeals, G.R. No. 117971, 1 February 2001, the High Court stressed that a judgment in a case for forcible entry which involved only the issue of physical possession (possession de facto) and not ownership will not bar an action between the same parties respecting title or ownership, such as an accion reivindicatoria or a suit to recover possession of a parcel of land as an element of ownership, or vice versa because there is no identity of causes of action between the two.

Nevertheless, even with Our finding that res judicata cannot apply in the instant case, petitioners' complaint for unlawful detainer must still fail in light of the disquisitions above. Petitioners have not established that they have a cause of action for unlawful detainer against respondents.

WHEREFORE, the appeal is DISMISSED. The Decision dated October 19, 2011, of the Regional Trial Court, Seventh Judicial Region, Branch 27, Lapu-Lapu City in Civil Case No. M-LLP-08-00546-CV is AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

---

[1] Rollo, p. 16

[2] Rollo, p. 118

[3] Rollo, p. 40

[4] Rollo, p. 44

[5] Rollo. p. 67

[6] Rollo, p 71

[7] Rollo, p. 118

[8] Rollo, p. 113

[9] Rollo, p. 24

[10] Rollo, p. 21

[11] Rollo, p. 32

[12] Estate of Soledad Manantan vs Somera, et al, GR No.145867, April 7, 2009

[13] GR No. 150025,July 23, 2008

[14] GR No. 128102, March 7, 2000

[15] Rodriguez vs Rodriguez, GR No. 175720, September 11, 2007

[16] 332 Phil. 429, 432-433 (1996); National Onion Growers Cooperative Marketing Association, Inc. v. Lo, G.R. No. 141493, 28 July 2004, 435 SCRA 359, 362.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[17] Francisco Realty and Development Corp. v. CA, G.R. No. 125055, 30 October 1998,

[18] Rollo, p. 81

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.