

JOSE BANIQUED AND BIBIANA SORIANO, PETITIONERS, VS. HON. COURT OF APPEALS, MACARIA BANIQUED, AGRIPINA BANIQUED, ANTONIO DE LA CRUZ, CONSOLACION DE LA CRUZ, LOURDES DE LA CRUZ, M...

G.R. No. L-47531. February 20, 1984

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e6ab3041957e/>

RELOVA, J.:

Petition for certiorari with prayer that the decision of then Court of Appeals in C.A. G.R. No. 49713-R, entitled "Macaria Baniqued, et al. vs. Jose Baniqued and Bibiana Soriano", dated October 11, 1977, and its resolution, dated December 2, 1977, be set aside and another one be issued in favor of herein petitioners.

Private respondents' evidence (plaintiffs in the lower court) shows that Julio Baniqued was the registered owner of Lot 19355, under OCT 20468, which was later reconstituted as Transfer Certificate of Title No. R.T. No. 224 (16849), with an area of 53,464 square meters. On October 23, 1923, Julio Baniqued donated 1,489 square meters and 1,962 square meters pro-indiviso of the same lot in favor of Benedicta Gallardo and Rosa Gallardo, daughters by his second wife. On June 8, 1933, Julio Baniqued executed donations inter vivos in pro-indiviso shares of the same lot in favor of his children as follows:

- (1) Macaria Baniqued - 2,820 sq. m.
- (2) Agripina Baniqued - 2,820 sq. m.
2,108 sq. m.
- (3) Santiago Baniqued - 4,460 sq. m.
5,106 sq. m.
- (4) Catalina Baniqued - 2,820 sq. m.
- (5) Candida Baniqued - 820 sq. m.
- (6) Jose Baniqued - 6,234 sq. m.

Petitioner Jose Baniqued was an instrumental witness in the above donations.

After the execution of the donations inter vivos, the donees took possession of their respective portions and paid taxes thereon. By common agreement, they allowed Jose Baniqued to work the land as tenant.

Beginning 1970, however, Jose Baniqued refused to deliver the shares of each donee in the land and, instead, claimed the entire Lot 19355 as his exclusive property. Upon investigation, private respondents found that on September 9, 1958 Jose Baniqued had filed a petition with the then Court of First Instance of Pangasinan for the issuance of another owner's copy of TCT No. 16849 which covered Lot 19355 and which he alleged to have been

lost. The lower court issued an order directing the issuance of a new owner's duplicate title, pursuant to which TCT No. 27617 was issued in the name of Jose Baniqued alone.

On July 22, 1967, petitioners mortgaged the property to the Kaluyagan Rural Bank of San Carlos City to secure a loan of P3,000.00. Upon failure of the petitioners to pay the debt despite several demands, the bank foreclosed the mortgage and Lot 19355 was sold at public auction to the bank as the highest bidder.

On April 4, 1968, private respondents filed a complaint against petitioners for annulment of TCT No. 27617, reinstatement of TCT No. R.T. No. 224 (16849), partition and damages.

On the other hand, petitioners-spouses Jose Baniqued and Bibiana Soriano (defendants in the trial court) claimed that they are the absolute owners of the disputed lot to the exclusion of all persons including herein private respondents because of the donations inter vivos and propter nuptias and TCT No. 27617, and that they have received the rights of absolute owners thereof since 1930 or a period of 38 years.

The trial court, on April 7, 1971, rendered a decision, the dispositive portion of which reads -

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered as follows: (a) declaring Lot No. 19355 covered by TCT No. R.T. 224 (16849) owned in common pro-indiviso by plaintiffs and defendant Jose Baniqued, with age and other personal circumstances described in the complaint, in the following proportion: Macaria Baniqued, 5,640 square meters; Agripina Baniqued, 2,820 square meters; plaintiffs heirs all surnamed Perez of Catalina Baniqued, 2,820 square meters; Benedicta and Rosa Gallardo, 3,451 square meters; and Jose Baniqued, 6,234 square meters, and the remaining area of 20,825 square meters to be divided equally among the heirs under the rule of intestate succession; (b) ordering the annulment and cancellation of TCT No. 27617 and the reinstatement of TCT No. R.T. 224 (16849), which shall be cancelled upon the issuance of another transfer certificate of title to the persons named in the dispositive part of the decision and in proportions herein stated; (c) declaring the Kaluyagan Rural Bank as a mortgagee in good faith; (d) ordering defendant Jose Baniqued to redeem in the name of all the co-owners Lot No. 19355 by paying the remaining unpaid mortgage debt plus interest up to the date of redemption within thirty (30) days from the time the judgment in this case becomes final, but should he fail or refuse to pay, plaintiffs are authorized to redeem and the Bank is ordered to allow the redemption; and, defendant Jose Baniqued is directed to pay to the plaintiffs the amount they shall pay the Bank to effect the redemption; (e) defendant Jose Baniqued is sentenced to pay plaintiffs P1,000.00 as compensatory damages, P1,000.00 by way of moral damages, P500.00 as exemplary damages, plus P1,000.00 as attorney's fees; (f) counterclaim of Intervenor and defendant Bank are both ordered dismissed for lack of merit; and, (g) defendant Jose Baniqued to pay the costs." (pp. 171-172, Record on Appeal)

On September 9, 1971, the foregoing judgment was amended as follows:

"To amend the dispositive part of the Decision insofar as plaintiff Agripina Baniqued is concerned, by adjudicating unto her 2,108 square meters, in addition to 2,820 square meters of Lot No. 19355, adjudicated under the original Decision, thereby increasing her share to 4,928 square meters in said lot, it appearing that the part referred to had in fact been donated to her by her father Julio Baniqued as shown in Document No. 63 (Exhibit 'J-2') of Exhibit 'J' x x x" (p. 234, Record on Appeal)

Respondent appellate court sustained the findings of the trial court that the Escritura De Donacion Intervivos, dated June 8, 1933 (Doc. No. 72, Page No. 17, Libro 5, Serio de 1933 in the Notarial Register of Notary Public Domingo P. Reyes) shows that only 6,234 square meters of land in Lot No. 19355 was donated by Julio Baniqued to his son, herein petitioner Jose Baniqued. Respondent Court of Appeals said -

"In his Petition for the Issuance of a New Certificate of Title dated September 9, 1958 and filed with the CFI of Pangasinan, Jose Baniqued made it appear in Paragraph 2 that the real property designated as Lot No. 19355 under TCT 16849 in favor of Julio Baniqued had been ceded, transferred, and conveyed to him by an

"Escritura de Donacion Intervivos duly identified as Doc. No. 72, Page No. 17, Libro No. 5, Serio (Sic) de 1933 in the Notarial Register of Domingo P. Reyes of San Carlos, Pangasinan, P.I.

"While the petition for a new certificate of title in lieu of the allegedly lost one misrepresented the donation to Jose Baniqued as covering the entire Lot No. 19355, the order of Judge Jesus P. Morfe dated September 10, 1958 did not direct the issuance of a new title in the name of Jose Baniqued. It simply ordered the issuance of a new Owner's duplicate of Transfer Certificate of Title No. T-16849 of the Land Records of the province and the cancellation of the first Owner's duplicate of said title which the Court accepted as lost during World War II.

"Instead of simply issuing a new Owner's duplicate which would have continued to be in the name of Julio Baniqued, the Register of Deeds issued TCT No. 27617 covering the entire Lot No. 19355 in favor of Jose Baniqued, defendant-appellant.

"On the basis of this Torrens Title secured through fraud on the part of the petitioner and negligence if not connivance on the part of registration authorities, the appellant now sets up prescription in his favor and prescription against the plaintiffs. The assignments of errors must, of course, be rejected.

"The inscription in the registry and the issuance of the new title in the name of Jose Baniqued were characterized by fraud and bad faith and consequently these acts cannot grant him the rights that he asserts or give him the protection of the law which he seeks in this appeal. The Torrens system of land registration with its rules on prescription, notice to the whole world, and characteristics of finality and conclusiveness cannot be used as the very vehicle to perpetuate or legalize fraud, error, and injustice in land transactions." (pp. 38-39, Rollo)

Further, evidence shows that the ten (10) other small parcels of land donated to the five (5) other children of Julio Baniqued totals 40,218 square meters, while the six (6) parcels donated to Jose Baniqued alone totals 25,929 square meters. As early as 1930 when Julio Baniqued started giving his properties to his children, Jose Baniqued received much bigger share than his brothers and sisters. Thus, the trial court did not err in denying his counterclaim for more. Indeed, he has no reason to complain.

This Court cannot set aside the express finding of the Court of Appeals. Time and again We have ruled that "it is not the function of the Supreme Court to analyze or weigh such evidence all over again, its jurisdiction being limited to reviewing errors of law that might have been committed by the lower court (Tiongco vs. dela Merced, 58 SCRA 89)."

WHEREFORE, the petition for certiorari is DISMISSED. No Costs.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, and Escolin, JJ., concur.

Gutierrez, Jr., J., no part.

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.