

CORNELIO ALZONA, ET AL., PLAINTIFFS AND APPELLANTS VS. GREGORIA CAPUNITAN AND MANUEL REYES, DEFENDANTS AND APPELLEES.

G. R. No. L-10228. February 28, 1962

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f10fcb37cbe2/>

PAREDES, J.:

On January 28, 1950, plaintiffs instituted an action in the Court of First Instance of Laguna, for the recovery of two registered parcels of land of the Biñan Cadastre (Lots Nos. 2968 and 2524), and for the cancellation of the corresponding certificates of title in the names of the defendants and the issuance of the proper certificates in their (plaintiffs') names. Defendants interposed the special defenses of estoppel and prescription of action.

Before trial, the parties submitted a partial Stipulation of Facts. After the plaintiffs had presented their evidence, the lower court admitted an amendment to the answer, which states—

"Que niegan los hechos alegados en los parrafos 7 y 8, pues, la verdad es que los aqui demandantes iniciaron solamente dos asuntos en el Juzgado de Primera Instancia de Laguna con respecto a los terrenos en litigio que son los numeros 5340 y 5657 en los años 1929 y 1931 respectivamente, cuyos asuntos fueron sobreseidos por este Honorable Juzgado, y nunca iniciaron, por lo tanto, un tercer asunto en el año 1938 * * *".

The lower court, on December 1, 1951, rendered judgment dismissing plaintiffs' complaint on grounds of estoppel and prescription of action. Upon appeal by plaintiffs, the Court of Appeals found the following facts as having been fully established (Rec. on Appeal pp. 29-45).

The parcels of land in question were part of the friar lands in the Spanish times and were then possessed by spouses Perfecto Alomia and Cipriana Almendras, both deceased; that the spouses were survived by three children, Arcadio Alomia, Eulogio Alomia, (deceased father of plaintiff Gregorio and Eleuteria Alomia) and Crispina Alomia (deceased mother of plaintiff Cornelio Alzona). Arcadio Alomia purchased from the Friar Lands Administration, Lot 2968, which is residential, on March 22, 1915, and was issued Patent Title No. 2258 (Exh. B). He also purchased Lot 2524, a rice land, by installment (Exh. D-5); but Arcadio died on May 8, 1924, before completing the installments on said Lot 2524 and his widow Ildefonsa Almeda, upon affidavit (Exh. D-7), that she was her husband's only heir, because he left no children, descendants, ascendants, brothers or sisters, was made the assignee of his contract (Exh. D-6). Upon payment of the last installment in 1925, she received from the Bureau of Lands the corresponding conveyance of lot No. 2524 and was issued Certificate of Title No. 6432. Ildefonsa died on March 26, 1929, survived by two sisters, Marciana Almeda and Narcisa Almeda, the latter being the mother of defendant Gregoria Capunitan, wife of defendant Manuel Reyes. After Ildefonsa's death, plaintiffs herein instituted an action in the CFI of Laguna on July 24, 1929 (Civ. Case No. 5240), for the recovery of the lots (Exh. A); that the case was dismissed on December 16, 1930, for failure of the parties and their lawyers to appear at the hearing (Exh. A-3). As early as September 27, 1930, both parties asked for continuance stating that they were about to reach an amicable settlement (Exh. A-2). On January 15, 1931, the plaintiffs renewed the action

(Civ. Case No. 5657), against the spouses Reyes and Capunitan (defendants herein), Marciana Almeda and "Alfonsa" Almeda, for the recovery of lots 210, 332, 2968 and 2524, plus damages at P300.00 per annum (Exh. B). Upon request of the parties, allegedly because they were about to reach a settlement, the case was discontinued indefinitely (Exh. D-2). In August, 1936, however, the court again dismissed the case for failure to comply with its Order dated August 20, 1936 (the record does not show what the order was about).

The Court of Appeals concluded that the parcels of land in question were conjugal properties of the spouses Arcadio Alomia and Ildefonsa Almeda; upon the death of Arcadio, one-half of the disputed lots belonged to Ildefonsa in her own right, as her share in the conjugal property, while the other half was inherited by appellants, as nephews and nieces of Arcadio; when Ildefonsa stated in her affidavit submitted to the Bureau of Lands (Exh. D-7), that she was Arcadio's only heir (Unica y exclusiva heredera del finado) and obtained the transfer of the contract covering lot No. 2524 to her exclusive name, she practiced a legal fraud on the plaintiffs herein; Ildefonsa was only entitled to a lifetime usufruct over one-half of the estate of Arcadio, title to such one-half belonged to the plaintiffs; in law she held in trust the legally belonging to the herein plaintiffs; defendants herein (the spouses Reyes-Capunitan), who are Ildefonsa's niece and the latter's husband respectively, purchased the litigated lots with knowledge that same were conjugal properties; and plaintiffs as heirs have the right to ask for a reconveyance of their share, unless the action is barred by prescription.

The Court of Appeals, therefore, held—

"* * * Without deciding now the question of prescription on the merits, we are of the opinion that the lower court should have admitted the evidence offered by the appellants that the appellees have recognized their title after 1929, as well as thoroughly inquired into the existence of a third suit between the appellee and the appellants in 1938, and its pendency at the date of the liberation.

WHEREFORE, the decision appealed from is revoked and set aside and the records are hereby ordered remanded to the Court of origin, with instructions to reopen the trial and admit evidence of both parties on (1) whether or not appellees agreed to recognize appellants' title and promised to recover the lots in question, and (2) whether or not appellants filed a third suit against appellees, and such suit was still pending upon the liberation of the Philippines. The case shall then be decided anew, taking into account the old and the new evidence, and the rulings of this opinion. Evidence already of record shall not be retaken. Costs against appellees".

After the adduction of additional evidence, at the new trial, the CFI rendered judgment, upholding its first decision that the cause of action of plaintiffs had already prescribed and dismissed the complaint, with costs against the plaintiffs, who brought this appeal directly to this Court on purely legal questions.

Plaintiffs-appellants alleged (1) that the property in litigation being registered under the torrens system and it having been found by the Court of Appeals that plaintiffs-appellants inherited the undivided one-half of the said property, and that the rights and interests of plaintiffs-appellants being imprescriptible, it was grave error for the lower court to dismiss the complaint on the ground of prescription, and (2) that it having been found by the Court of Appeals that Ildefonsa merely held in trust the undivided 4 for the heirs of her deceased husband, and that when the appellees purchased the lands from the trustee (their aunt), they had actual knowledge of the conjugal nature of said lands, the lower court likewise committed error in not declaring defendants-appellees also mere trustees and thereby the action of the beneficiaries (plaintiffs) did not prescribe.

It is true "that no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession" (Sec. 46 of the Land Registration Act), but as correctly stated by the trial court "the protection given by the law is in favor only of registered owners and consequently, the plaintiffs cannot invoke it in support of their cause of action as they are not the registered owners of the property in litigation". The

titles of the lands in question are not in the names of plaintiffs-appellants, but in the names of the defendants-appellees since the year 1928 or for a period of more than 27 years. Appellants, however, contend that notwithstanding their admission that they are not the registered owners of the land, their theory finds support in the case of *Eugenio, et al. vs. Perdido, et al.*, (97 Phil., 41), in which the court has upheld the imperceptibility of the action against the heirs, for being "the continuation of the personality of their decedents"; affirmed in a later case of *Guinoo vs. CA, et al.*, 97 Phil., 235. The facts in the cited cases, however, have no parity with those present. Both in the *Eugenio* and *Guinoo* cases, the plaintiffs were the children of parents whose properties and titles were registered in the names of said parents, and the lower court had reasons to consider the said children as the continuation of the personality of the decedents. In the case at bar, the lands were not registered in the names of their parents, *Eulogio Alomia* and *Crispina Alomia*, but in the names of *Arcadio Alomia* and *Ildefonsa Almeda*, the latter being *Arcadio's* widow, who sold the lands in question to her niece *Gregoria Capunitan* (defendant) daughter of *Narcisa Almeda* and cousin of plaintiffs-appellants and in whose name new certificate of title was issued in 1928.

The case at bar involves an implied or constructive trust upon the defendants-appellees. The Court of Appeals declared that *Ildefonsa* held in trust the 1/2 legally belonging to the plaintiffs; of which condition, the defendants had full knowledge. The sale made by *Ildefonsa* in favor of the defendants, was not void or inexistent contract, action in which is imprescriptible (Art. 1450, N.C.C.). It is voidable, at most, and as such is valid until revoked within the time prescribed by law for its revocation, and that is undoubtedly the reason why the Court of Appeals pronounced that "the appellees had the right to ask for a re-conveyance of their share, unless the action is barred by prescription". The prescriptibility of an action for re-conveyance based on implied or constructive trust, is now a settled question in this jurisdiction. It prescribes in ten (10) years (*Boñaga vs. Soler, et al.* 112 Phil., 651; 58 Off. Gaz., [52] 8637; *J. M. Tuason & Co. Inc. vs. Magdangal*, supra, P42; special attention to footnote No. 1).

The fact that plaintiffs-appellants had filed suits against the defendants-appellees first in 1928 and second in 1931, reveals that the latter had consistently repudiated the trust. Of course, the plaintiffs-appellants alleged that they filed a third suit in 1938 and during the lifetime of the trust the said appellees had acknowledged the title to and promised to re-convey one-half of the property to the appellants, reasons for which the Court of Appeals ordered a new trial to verify these points. But at the new trial, the lower court found the following facts (a) that on October 11, 1929, *Gregorio Alomia* filed civil case No. 5340 against *Marciana Almeda*, *Gregoria Capunitan* and *Manuel Reyes*, (appellees herein) for recovery of lots Nos. 332, 210 & 2969, which was set six times for hearing during 1930. The trial thereof was never held because the court always granted postponements to the parties, except the 6th, which the court denied, resulting in its dismissal because of the non-appearance of the parties and their attorneys; (b) on January 23, 1931, same plaintiffs, thru same counsel filed another action No. 5657 for the recovery of lots Nos. 332, 210, 2968 and 2524. Again, due to numerous petitions for postponement from September 1931 to 1935, on December 28, 1935, an order was issued in said case, directing that proceedings for the settlement of the estate of *Marciana Almeda* be immediately commenced in order that the administrator thereof could be substituted as a party to the case. Nothing was done up to the deadline, August 29, 1936, to comply with said order. On August 31, 1936, the court dismissed the case. The lower court found that the dismissal of these two cases was not due to an amicable settlement because of defendants' recognition of plaintiffs' rights or to a promise to reconvey one-half of the property to them, (c) With respect to the alleged filing of a third action by the same plaintiff against the same defendants in 1938, the lower court found that on the basis of the evidence presented, the plaintiffs did not commence any action in 1938. The correctness of these findings should now bind the parties because the appeal of the second decision of the lower court was not taken to the Court of Appeals, but to this Court directly, on questions of law.

The cause of action of the plaintiffs against the defendants accrued in 1928 when the latter purchased and took

possession of the two lots from Ildefonsa Almeda. The action, being for recovery of title to and possession of real property, the same should be brought within ten (10) years from 1928, or up to 1938 (Sec. 40, Act 190). But after the dismissal of the second case on August 31, 1936, the plaintiffs-appellants went into a long swoop only to wake up when they filed the present action on November 28, 1949 (according to the lower court) or January 28, 1950 (according to appellants). In the first case, 13 years had elapsed and in the second, 14 years. In either case, the action has long prescribed.

Furthermore, and by the same token, the defendants-appellees being third persons, and having repudiated the trust and expressed claim of ownership over the litigated properties, by themselves and by their predecessors-interest, they have also acquired the said properties by the law of prescription (*Tolentino vs. Vitug*, 39 Phil. 126; *Government of the Philippines vs. Abadilla*, 46 Phil. 642).

Premises considered, the decision appealed from, hereby is affirmed, with costs against plaintiffs-appellants.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Dizon, and De Leon, 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.