

J.M TUASON & CO.,INC., PLAINTIFF-APPELLEE, VS. ATANACIO MUNAR, DEFENDANT-APPELLANT.*G.R. No. L-21544. September 30, 1968*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f3a25c412a24/>**MAKALINTAL, J.:**

Plaintiff corporation, the registered owner of a parcel of land known as the Sta. Mesa Heights Subdivision, located at Barrio North Tatalon, Quezon City, with transfer certificate of title No. 1267, brought this action for ejectment against defendant, alleging that the latter entered illegally into the possession of a 150-square meter portion of said land on July 5, 1958, without its authority and consent. After defendant's motion to dismiss was denied by the Court of First Instance of Rizal, he filed an answer to the complaint, in which he set up the defense that plaintiff's Torrens title was void due to fraud, and that pursuant to the compromise agreement of 1953 between plaintiff and the Deudors (defendant's predecessor-in-interest) his occupation and enjoyment of the premises in question was valid and enforceable against plaintiff. In the compromise agreement referred to by defendant, the Deudors, who used to claim ownership of certain areas covered by plaintiff's title, relinquished their claim for certain considerations, with a reservation in favor of third parties to whom the Deudors had earlier sold possessory rights in different portions of the land to purchase the same from herein plaintiff.

In a decision dated January 14, 1959 the trial court, after the failure of counsel for the defendant to adduce evidence by reason of defendant's absence, rendered judgment ordering defendant to vacate the premises and to remove the house and other constructions he had placed thereon and to pay the sum of P45.00 monthly, by way of rental, with 6% interest from the time of his occupation until possession was finally restored to plaintiff, plus costs. To give defendants another opportunity to adduce evidence, the decision of January 14, 1959 was set aside and a new trial was ordered. However, on the date set for the reception of defendant's evidence he again failed to do so, and instead merely manifested his intention to buy the property in question. Accordingly, judgment was rendered reiterating the decision dated January 14, 1959.

Defendant appealed to the Court of Appeals, which subsequently certified the case to this Court in view of the fact that the issues tendered are purely legal.

Judgment must go for the plaintiff. In *J.M. Tuason & Co., Inc., vs. Lumanlan*, L-23497, April 26, 1968, where the same plaintiff was involved in a similar ejectment case, practically the same defenses and arguments now availed of by defendant were raised. In finding said arguments unmeritorious we said:

"... But, as ruled by this Court in previous cases, *Lumanlan* (like *Munar* in the instant case) is now barred from assailing the decree of registration in favor of *Tuason & Co. Inc.*'s predecessors twenty years after its issuance (cases cited).

"As to *Lumanlan*'s allegation in her counterclaim that she should be deemed a builder in good faith, a similar contention has been rejected in *Tuason & Co. vs. Macalindong*, L-15398, December 29, 1962, where we ruled that there being a presumptive knowledge of the Torrens Titles issued to *Tuason & Co.* and its

predecessors-in-interest since 1914, the buyer from the Deudors (or from their transferees) cannot, in good conscience, say now that she believed her vendor had rights of ownership over the lot purchased.

...

"Lumanlan had chosen to ignore the Torrens title of Tuason & Co., Inc. and relied upon the Deudors' claim of ownership, perhaps because said course appeared to her as more advantageous; hence, she has only herself to blame for the consequences now that the Deudors' claim has been abandoned by the Deudors themselves, and can not pretend good faith."

WHEREFORE, the judgment appealed from is affirmed, with costs.

Concepcion, C.J., Reyes, J.B.L., Sanchez, Ruiz Castro, Angeles, Fernando and Capistrano, JJ., concur.

Dizon, J., took no part.

Zaldivar, J., is on official leave.

Judgment affirmed.

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.