

**JOSE R. CRUZ AND EMILIA P. CRUZ, PLAINTIFFS AND APPELLANTS,
VS. LEONICIO LANSANG, DEFENDANT AND APPELLEE.***G.R. No. L-2332. October 04, 1950*

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f955bac482db/>**MONTEMAYOR, J.:**

The present case here on appeal had its origin in Civil Case No. 3262 of the Municipal Court of Manila, wherein Jose R. Cruz and his wife Emilia P. Cruz brought action for ejectment against Leoncio Lansang to oust him from lots Nos. 1118 and 1120 and the two houses constructed thereon, in Kundiman street, Sampaloc, Manila. The facts necessary for the determination of this case as may be gathered from the record may be briefly stated as follows:

It would appear that Leoncio Lansang and his wife Nicolasa Miranda were, formerly, owners of these two lots in question under Transfer Certificates of Title Nos. 55598 and 66933. By virtue of a deed of sale executed by the couple on January 14, 1944, they transferred and sold these two lots and the houses thereon to two Chinese nationals Ng Han Kiat and Dy Hoe. The deed was filed for record in the office of the Register of Deeds on January 25, 1944 under entry No. 10738. On November 16, 1946, the two vendees Ng Han Kiat and Dy Hoe sold the same lots to Jose R. Cruz and his wife Emilia P. Cruz. Because the Register of Deeds doubted the right of the two Chinese nationals to buy real property in the Philippines, he did not issue to them the corresponding Transfer Certificates of Title on the basis of the sale to them by Lansang and his wife. So, the last vendees Cruz and his wife in order to complete the chain of title, petitioned the Court of First Instance (4th branch) in G.L.R.O. Rec. No. 11546, to direct the Register of Deeds to issue to them the corresponding Transfer Certificates of Title on the basis of the sale made to them by the two Chinese nationals notwithstanding the fact that their vendors, the said Chinese nationals had no Transfer Certificates of Title in their favor. The court of first instance granted their request and directed the Register of Deeds of Manila to annotate and record the deed of sale by Lansang and his wife in favor of the two Chinese nationals, object of Entry No, 10738, but without issuing new Transfer Certificates of Title, and then annotate and record the deed of sale by Ng Han Kiat and By Hoe in favor of Jose R. Cruz and Emilia O. Panganiban. As a result, Cruz and his wife now have Transfer Certificates of Title Nos. 6090 and 6091 (Exhs. A and B) to evidence their ownership of these two lots.

In the Municipal Court, Lansang claimed he had never been a tenant of Cruz and his wife; that he was still the owner of the two lots in litigation and therefore may not be ousted therefrom; that he never sold these two lots to the two Chinese nationals but had merely mortgaged them; that the subsequent transfer of said properties to Cruz and his wife was illegal and fraudulent; and that he had filed In the Court of First Instance of Manila, Civil Case No. 1620 seeking to cancel the alleged mortgage of the two lots.

After hearing, the Municipal Court rendered Judgment in favor of Cruz and his wife and ordered Lansang and all others claiming under him to vacate the premises and to pay to the plaintiffs the rentals in arrears from November 16, 1946 until the premises were restored to said plaintiffs, at the rate of P60 a month.

Lansang appealed the case to the court of first instance and in that court he reiterated his claim of ownership over the two properties. Said court after receiving evidence, rendered judgment in favor of the defendant, Lansang, absolving him from the complaint. Cruz and his wife are now appealing from that decision.

In its decision the Court of First Instance found that according to Exhs. A and B, the Transfer Certificates of Title Nos. 6090 and 6091, appellants Cruz and his wife were the owners of the two lots in question but it also found that Cruz and his wife were never in possession of these two lots nor of the two houses thereon, and apparently on that basis alone, it ruled that they had no right to oust Lansang from the premises.

The trial court erred in making this finding regarding lack of possession, by Cruz because the evidence shows and even Lansang himself admits that since the year Cruz and his wife had been occupying the upper story of the house on lot No. 1118 and had been paying the corresponding monthly rentals to the two Chinese nationals who later sold the two lots to them. But even if Cruz and his wife had never been in possession, as vendees of the property they had a right to terminate the lease of the two lots in favor of Lansang not only because the latter had deliberately failed and refused to pay the corresponding rents, but also because Cruz and his wife needed the premises for their own use.

The claim of title made by Lansang did not divest the Municipal Court of jurisdiction; neither did it prevent Cruz and his wife from exercising their rights as alleged vendees and owners of the property from getting the possession thereof. As far as title to the property is concerned, they have all the presumptions in their favor. The record of the Register of Deeds shows as already stated, that these two lots had been sold and disposed of by Lansang and his wife, and by a subsequent deed Cruz and his wife had acquired title thereto and now they have the corresponding Transfer Certificates of Title. It still remains for Lansang to prove in the Civil Case he has instituted in the Court of First Instance of Manila that the transaction had between him and his wife on one side and the two Chinese nationals on the other, was only a mortgage and not a sale. Until he succeeds in this venture and proves that the title of Cruz and his wife is null and void, the courts will in the meantime respect said title possessed by Cruz and Mrs. Cruz and allow them to exercise their rights as such owners, including possession of the property as against a mere occupant like Lansang whose alleged title still remains to be proven.

In view of the foregoing, the decision of the Court of First Instance of Manila is hereby reversed. Judgment is rendered in favor of the plaintiffs-appellants Jose R. Cruz and Emilia P. Cruz and defendant-appellee Lansang and all others claiming ownership under him are hereby ordered to vacate the premises in question and to pay to the appellants rentals at the rate of P60 a month from November 16, 1946 until said premises shall have been restored to the possession of the appellants, Lansang will pay costs in both instances.

Ozaeta, Bengzon, Tuason, and Reyes, JJ., concur.

MORAN, C.J.:

I concur in the result. The Krivenko ruling is not involved here. The property is at present in the hands of Filipino citizens.

PABLO, M., disidente:

En 14 de enero de 1944 Leoncio Lansang vendio dos lotes en Manila con sus mejoras bajo certificados de transferencia de titulo Nos. 55598 y 66933, a Ng Han Kiat y Dy Hoe, ciudadanos chinos, Estos los vendieron en 16 de noviembre de 1946 a los demandantes Josi R. Cruz y señora. Si la primera venta, ya bajo la constitucion del Commonwealth, ya bajo la constitucion aprobada bajo el regimen japones, es nula y de ningun valor, como podian los dos chinos venderlos validamente a los hoy demandantes? Y si Sstos no han podido legalmente

adquirir la propiedad de los lotes tampoco han podido obtener su posesion. La pretension de que tienen derecho a poseer los terrenos en virtud de la compra es insostenible. Como pueden reclamar con Ixito ante nuestros tribunales el lanzamiento de Leoncio Lansang, que es el dueno y poseedor actual de los mismos?

Se dice que solamente el Estado puede reclamar la nulidad de la venta. Eso tal vez este bien en algunos estados de America en cuanto a la adquisicidn por un extranjero de un terreno publico. Pero en Filipinas, la parte interesada, y no el Estado, (Pindangan Agricultural Co., Inc. contra Schenkel, et al., 83 Phil., 529) debe suscitar la declaracion judicial de que la venta a un extranjero de un terreno de propiedad privada es nula. (Regla 3, art. 2).

En mi opinion, la causa debe sobreseerse.

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.