

ANASTACIA PABALATE, ET AL., PLAINTIFFS-APPELLANTS, VS. LORENZO ECHARRI, JR., DEFENDANT-APPELLEE.

G.R. No. L-24357. February 22, 1971

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/faa3895b52ce/>

MAKALINTAL, J.:

This is an appeal taken from the decision of the Court of First Instance of Negros Occidental in its Civil Case No. 5279, dated September 3, 1964, dismissing the plaintiffs' complaint, with costs.

The plaintiffs filed the complaint on April 18, 1959 (amending it on May 30 following) for recovery of possession of a parcel of land, plus damages. After the defendants filed their respective answers the case was submitted for decision on the following stipulation of facts:

"1. That the parties agree that the subject matter of this case is lot No. 2498 of the Cadastrel Survey of Escalante, Negros Occidental;

"2. That the said Lot No. 2498 of Escalante Cadastre was originally registered in the name of Heirs of Victorio Pabalate under Original Certificate of Title No. 228 of the land records of this province by virtue of a Homestead Patent No. 8854 issued on February 20, 1926;

"3. That on September 21, 1927, the heirs of Victorio Pabalate, namely, Andres Pabalate, Sabas Pabalate, Fabian Pabalate, Anselma Pabalate, Dionisio Pabalate and Ardiana Pabalate, sold, conveyed and transferred the aforesaid Lot No. 2498 of Escalante Cadastre unto Lorenzo Echarri, Sr. predecessor of plaintiffs, Lorenzo Echarri, Jr., by virtue of Escritura de Compra y Venta ratified and acknowledged before Notary Public, Maria L. Vda. de Ferrer, as Doc. 117; page No. 31, Book 1, Series of 1927;

"4. That by virtue of the afore-mentioned Escritura de Compra Y Venta, Lorenzo Echarri, Sr., during his lifetime and after his death his heir, Lorenzo Echarri, Jr., since 1927 up to the present had been in continuous, exclusive and open possession in the concept of owner of said property;

"5. That defendant, Francisco Rasquin is lessee of said property from defendant, Lorenzo Echarri, Jr., whose lease contract will terminate at the end of the crop year 1964-65 and the parties agree that said defendant be dropped as a party in the present case;

"6. That Andres Pabalate, Sabas Pabalate, Fabian Pabalate, Anselma Pabalate, Dionisio Pabalate and Ardiana Pabalate who sold and conveyed the said property Lot No. 2498 in favor of Lorenzo Echarri, Sr., are the children of Victorio Pabalate and his wife Florencio Onio and the plaintiffs herein with the exception of Dionisio Pabalate and Ardiana Pabalate are the descendants of the deceased, Andres, Sabas, Fabian and Anselma Pabalate."

Upon the foregoing stipulation the court a quo upheld the defendants plea of laches on the part of the plaintiffs and consequently dismissed the complaint, citing the decision of this Court in the case of Mejia de Lucas vs. Gamponia, 100 Phil. 277. The propriety of the said defense is the only issue here - as well, of course as the applicability of the ruling in that decision.

We find for the defendants on both counts. In the Mejia case the essential facts are similar to those in the case before us. The land there in dispute was acquired by free patent issued in 1916 pursuant to Act No. 926. A few days afterwards the patentee deeded the land to another, who held possession thereof until his death. In 1940 his successor transferred the land to the defendant Gamponia, from whom the plaintiff, a grand-daughter of the patentee, sought to recover it after 37 years since the original conveyance. This Court held:

"Upon a careful consideration of the facts and circumstances, we are constrained to find, however, that while no legal defense to the action lies, an equitable one lies in favor of the defendant and that is, the equitable defense of laches. We hold that the defense of prescription or adverse possession in derogation of the title of the registered owner Domingo Mejia does not lie, but that of the equitable defense of laches. Otherwise stated, we hold that while defendant may not be considered as having acquired title by virtue of his and his predecessor's long continued possession for 37 years, the original owner's right to recover back the possession of the property and the title thereto from the defendant has, by the long period of 37 years and by patentee's inaction and neglect, been converted into a stale demand."

The appellants stress the fact that the free patent acquired by their predecessor in 1926 was not issued under Act No. 926 but under Act No. 2874, and that while under the former statute a sale of the land within the prohibited period of seven (7) years was merely voidable, a sale under the latter statute within five (5) years from the issuance of the patent is absolutely null and void. We do not see that this difference is at all material in regard to the question of laches.

This defense is an equitable one and does not concern itself with the character of the defendant's title, but only with whether or not by reason of the plaintiff's long inaction or inexcusable neglect he should be barred from asserting this claim at all, because to allow him to do so would be inequitable and unjust to the defendant. Indeed, Section 122 of Act No. 2874, which declares that a conveyance within the prohibited period is null and void, makes no reference whatsoever to any right of the patentee or his heirs to recover the property thus illegally conveyed. What it provides is that such conveyance "shall produce the effect of annulling and canceling the grant, title, patent, or permit originally issued . . . and cause the reversion of the property and its improvements to the government." In other words, the plaintiffs cannot avail of the nullity of the conveyance as an excuse to avoid the consequences of their own unjustified inaction and as a basis for the assertion of a right on which they had slept for so long, especially since such right is not expressly conferred by the law in the first place.

Angeles et al., vs. Court of Appeals, 102 Phil. 1006, is invoked by the appellants. Our decision in that case, as well as its citation of Eugenio et al., vs. Perdido et al., 97 Phil. 41, is not here applicable. Those cases involved the question of prescription, and specifically held that an action or defense for the declaration of the nullity of a contract that is inexistent and void ab initio does not prescribe. The case before us does not involve the statutory defense of prescription but the equitable doctrine of laches, which we find to be proper under the facts stipulated by the parties.

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

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, 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.