

**MARGARITA VALENZUELA ET AL., PLAINTIFFS AND APPELLEES,
PEDRO UNSON ET AL., DEFENDANTS AND APPELLANTS.***G. R. No. 10266. October 20, 1915*

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10266/>**JOHNSON, J.:**

On the 11th day of December, 1912, the plaintiffs presented a petition in the Court of Land Registration for the registration of 34 parcels of land, located in the municipality of Pagsanjan, Province of Laguna, which are particularly described in paragraph 1 of the complaint.

The municipality of Pagsanjan objected to the registration of a small portion of said parcels of land, known as No. 1—B, in the name of the plaintiffs. The plaintiffs conceded the claim of said municipality and the small portion was excluded from the petition.

Pedro Unson and Felix Unson presented their opposition to the registration of a portion of lot No. 1 which portion is known as lot No. 1—A. This portion (No. 1—A) represents a stone wall, simply, constructed between lot No. 1 (Exhibit A) and the lot belonging to the said objectors. The only question then is whether or not the said wall belongs to the petitioners and is registrable in their name.

The lower court, after hearing the evidence, reached the conclusion that perhaps the said wall originally belonged to parcel No. 1, but that the petitioners had permitted the objectors to occupy and control the same for a period of forty-four years, more or less, without having presented any objection whatever to said possession of the objectors, and, therefore, excluded the land occupied by said wall from lot No. 1. After excluding the above two parcels of land, the lower court ordered the registration of all of the parcels of land included in the original petition.

Later a motion for a rehearing was made by the petitioners. Upon a consideration of said motion, the lower court, on the 15th day of December, 1913, modified that part of its first decision relating to lot No. 1—A, and declared that the same was a party wall. The lower court did not decree the registration of the wall.

From that decision the objectors appealed to this court. The petitioners did not appeal.

The wall in question is represented by Exhibit 1 presented by the objectors. It extends from the street running in front of the lots owned by the plaintiffs and defendants, between said lots, for a distance of about thirty meters. It is about 38 centimeters wide and separates the lots claimed by the plaintiffs and defendants. The south end of the wall, or the end abutting upon the street, is higher than the rest of it. At intervals along the wall there are buttresses, which are constructed on both sides of the wall. About midway between the street and the rear end of the lots, resting on the wall, there is a kitchen belonging to the defendants—that is to say, part of the foundation of the kitchen is the wall in question. The proof shows that said kitchen is about forty years old. About 8 meters from the street there is a cross wall, on the property of the plaintiff, which is joined to the wall in question.

Along the street and in front of the lots, there is a sidewalk. The sidewalk in front of the properties divides on the

plaintiffs' side of the wall. The wall appears to have been built as one wall. There is no indication that the wall had been built as two walls at different times and joined together. The foregoing seems to be the exterior signs presented in the evidence, for the purpose of showing the ownership of the same.

The plaintiffs attempt to show, in support of their claim of ownership of the wall, that the kitchen referred to above was built so as to rest upon the wall, by the express permission given by them to the objectors, or their predecessors. That fact is strongly denied by the witnesses for the objectors. They claim that the kitchen was built without permission and without objection on the part of the plaintiffs.

As was said above, the wall in question seems to be a solid wall, with buttresses built upon each side of it. It is a very old wall. It is built on or near the dividing line between the lots in question. It contains no openings. Under these facts, judging from the outward signs presented by the wall itself, certain presumptions arise under the express provisions of the Civil Code. (Article 572, Civil Code.) When there is no title or exterior marks or proofs to the contrary, there is a presumption that a dividing wall between two adjoining properties is a party wall. (Case vs. Heirs of Tuason, 14 Phil. Rep., 521.)

Considering the fact that the wall is supported by buttresses on both sides, and considering that both parties have used the wall for the purpose of supporting the structures on their respective lots, and considering the fact that the plaintiffs have a wall joined to the wall in question and that they and the defendants have used the wall as a partial support for the kitchen, and considering the conflicting character of the testimony with reference to the ownership of the wall, together with the exterior signs of the same, we are of the opinion that the said wall is a party wall—that it belongs to the petitioners and objectors jointly. The wall being a party wall, and considering the fact that one of the joint owners objects to its registration, we are of the opinion that the same cannot be registered in the present proceeding. One of two or more joint owners of land cannot have the same registered against the opposition of the other joint owners. (Section 19, Act No. 496.)

In view of all of the foregoing, we are of the opinion and so hold that the judgment of the lower court should be and is hereby affirmed. And without any finding as to costs, it is so ordered.

Arellano, C. J., Torres, Trent, and Araullo, JJ., concur.

CONCURRING

MORELAND, J.,

I agree, but upon different grounds.

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.