

JOSE DE CASTRO, PETITIONER AND APPELLEE, VS. THE DIRECTOR OF LANDS, LORENZO ESGUERRA, TOMAS ESGUERRA, EDUARDA ESGUERRA, REGINA ESGUERRA, EDUVIGIS ESGUERRA, MARGARITA ESGUERRA, A...*G. R. No. 10326. September 23, 1915*

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10326/>**JOHNSON, J.:**

The present action was commenced on the 1st of August 1912, in the Court of Land Registration. Its purpose was to obtain the registration of 5,487,738 square meters of land. The complaint alleged that the said land was located in the sitio of Ablang, barrio de San Juan, of the municipality of Licab, in the Province of Nueva Ecija. A technical description of said land accompanied the petition.

To the registration of said land the Director of Lands, represented by the Attorney-General, presented his opposition, as did also the other objectors above named.

Upon the issue presented by the petition and the oppositions, the cause was set down for trial on the 25th of March, 1913, at 2 o'clock p. m., in the municipality of Cabanatuan of the Province of Nueva Ecija. A number of the objectors appeared at the time fixed for said trial. At that time a judgment by default was rendered against all of the objectors who did not appear. Immediately upon the rendering of said judgment by default, upon motion of the parties, the trial of the cause was continued until the 30th of June, 1913, at 8 o'clock a. m., in the city of Manila, at the city hall. On the 30th of June, 1913, at 8 o'clock a. m., the case was again called for trial. At that moment Maximino Mina represented the following objectors: Agustina Castillo, Bernardino Agustin, Lorenzo Esguerra, Tomas Esguerra, Eduarda Esguerra, Regina Esguerra, Eduvigis Esguerra, and Margarita Esguerra. The Director of Lands was re- presented by the Attorney-General. Neither the petitioner nor any person representing him was present. Because of the absence of the petitioner the Attorney-General presented a motion that the petition be dismissed. Upon a consideration of said motion to dismiss the Honorable J. S. Ostrand, judge, granted the same in an order, in the language following, "as neither the petitioner nor his counsel appeared at the hearing of the above-entitled case, held in Manila, on this date, the said case is hereby dismissed, without prejudice to the petitioner filing another petition for the registration of the same lands, whenever it suits his interests to do so. So ordered." On the 10th of July, 1913, the petitioner presented a motion asking the court to set aside its order of June 30th.

The objectors had no notice of said motion. On the 18th of July, 1913, the court granted said motion, revoking the order of June 30th, and set the cause down again for trial on the 19th of August, 1913, at 10.30 o'clock a. m. From the record it appears (page 65) that a session of the Court of Land Registration was held in the municipality of Cabanatuan, Province of Nueva Ecija, on the 19th of September, 1913, at 2.30 o'clock p. m., and that the trial of said cause was again called. From the record, at the same page, it appears that at said hearing the petitioner was represented by Lucio Gonzalez, that the Director of Lands was represented by Jose Yusay, of the office of the

Attorney- General. At the same time the record shows that some proof was offered by Lorenzo Esguerra, one of the objectors. The petitioner requested further time in which to present additional documentary proof.

Nothing further seems to have been done until the 31st of October, 1913, when the Honorable Dionisio Chanco, one of the judges of the Court of Land Registration, rendered a decision denying the registration of the land in question, without prejudice to the rights of the petitioner.

Later, and on the 16th of December, 1913, the petitioner presented another motion, without giving notice to any of the interested parties, for a reconsideration of said decision of the 31st of October. Said motion was accompanied by a number of deeds of conveyance of certain real property by different persons to the petitioner. (See pages 69-77 of record.)

Upon a consideration of said motion (of the 16th of December, 1913) and without notice to any of the objectors the Honorable Dionisio Chanco, on the 6th of January, 1914, rendered another decision or order denying the reconsideration of the decision of the 31st of October, 1913.

On the 22d of January, 1914, the petitioner through his attorney, without giving notice to any of the objectors, presented another motion for a reconsideration of the decision denying the registration of the land in question, and prayed that the land in question might be registered in his favor. On the 6th of March, 1914, without notice to any of the objectors, the Honorable Dionisio Chanco rendered a judgment ordering and decreeing the registration of the land in question in the name of the petitioner, Jose de Castro. Later the Attorney-General excepted to said decision and presented a motion for a new trial, which was denied, and then appealed to this court.

It will be remembered that at the time set for the trial on the 30th of June, 1913, at 8 o'clock a. m., while the objectors were present and ready to proceed with the trial the petitioner was not present, and for that reason, upon a motion by the objectors, his petition was dismissed. The objectors had a right to believe that the dismissal of the petition terminated the question of the right of the petitioner to have the parcel of land registered in that proceeding. The objectors had a right to believe that the order dismissing the petition terminated that action and foreclosed the right of the petitioner to have the land registered, in that action. At least, they had a perfect right to rely upon the order of the court as finally settling the question of registration until they received further notice. Not having been notified of the latter action and order of the court, they cannot, of course, be bound by them. Any further order made or action taken by the court, without notice to the objectors, was absolutely null and void and of no legal effect.

It is a rule well established in ordinary actions that when the defendant has once appeared and answered in an action, he has a right to be notified of every subsequent motion or step taken by the parties and of every order or decree made by the court. The defendant, having once appeared in an action, has an absolute right to be present, if he so desires, whenever any action is taken affecting his rights. That being the rule in ordinary actions it would seem that the rule ought to be at least as strict in the case of registration of land under the torrens system, if not even more severe, for the reason that the registration of land under said system not only affects the parties immediately thereto, but may in certain cases even make the Government responsible, at least to the extent of the value of the land. We are of the opinion and so hold that in a case for the registration of land under the torrens system, where the petition has been dismissed by reason of the nonappearance of the petitioner, that then and in such a case, no further order or decree made in or concerning the action can in any way affect the rights of the parties, until and after proper notice has again been given in accordance with the provisions requiring notice under the torrens system. In the present case no notice having been given as required by law, after the petition had been dismissed, we are of the opinion and so hold that the judgment of the lower court must be and is hereby revoked, with costs against the petitioner. So ordered.

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

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