

TEODORO DE LOS REYES, PLAINTIFF AND APPELLEE, VS. MAXIMINO PATERNO, ADMINISTRATOR OF THE ESTATE OF TOMAS G. DEL ROSARIO DECEASED, DEFENDANT AND APPELLANT.

G.R. No. 10580, March 27, 1916

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10580/>

JOHNSON, J.:

This action was commenced in the Court of First Instance of the city of Manila on the 7th of February, 1914. The purpose of the action on the part of the plaintiff was to be declared the owner of one-half of two lots or parcels of land located in the district of Santa Cruz in the city of Manila, to require the defendant to render an account of the administration of said lots or parcels of land, and to obtain a judgment in favor of the plaintiff and against the defendant for whatever amount said rendition of accounts shows the plaintiff was entitled to.

To the petition the defendant filed a general and special answer. In his general answer he denied each and all of the material allegations alleged in the complaint. In his special defense he alleged that the said Tomas G. del Rosario, at the time of his death, was the sole and only owner of said lots or parcels of land.

Upon the issue thus presented and after, hearing the evidence adduced during the trial of the caused the" court a quo rendered a judgment in which he ordered the defendant to deliver to the plaintiff one-half of one of said parcels of land, together with the one-half of the rent which it produced or might produce until the delivery of the same, and to pay to the plaintiff the sum of P8,000 and the half of the rent which the other piece of property may have produced or may produce up to the time of the death of the deceased, Tomas G. del Rosario.

From that conclusion the defendant appealed to this court and made several assignments of error the most important of which, and the one which in our judgment shows that the lower court committed an error in its conclusions, is assignment No. 5. Said assignment is that the lower court "erred in not holding that the decree of the Court of Land Registration, copied in plaintiff's Exhibit C, is res judicata against the plaintiff; and that the two certificates of title of the properties that are the subject matter of the complaint, issued in behalf of Tomas G. del Rosario by virtue of said decree, are conclusive and decisive proof against the plaintiff."

If it is true that during the lifetime of Tomas G. del Rosario he obtained, a Torrens title for the lots or parcels of land in question, and if that judgment or decree of the Court of Land Registration became final, or if more than one year had elapsed after the decree then his title is unimpeachable and can not be annulled or set aside, even for fraud.

As was noted above, the present action was commenced on the 7th of February, 1914. During the trial of the cause the defendant presented as proof Exhibit C. An examination of Exhibit C shows the following facts:

First. That the said Tomas G. del Rosario presented a petition in the Court of Land Registration on the 24th of April, 1909, for the registration under the Torrens system of two parcels of land. There is no dispute that the two parcels of land described in said petition for registration are exactly the same parcels of land in litigation in the

present action.

Second. Said Exhibit C further shows that on the 21st of September, 1909, the judge of the Court of Land Registration, after considering the petition, rendered the following decree, ordering said parcels of land to be registered in the name of Tomas G. del Rosario, in accordance with the provisions of Act No. 496:

"Two properties are described in the application, both urban; the first is a parcel of land situated on Calle Curtidor, district of Santa Cruz, city of Manila, and includes the building thereon constructed of strong materials; and the other is a piece of land on Calle Asuncion, district of San Nicolas, city of Manila, which includes the building, also of strong materials, thereon.

"The applicant has presented documentary and parol evidence, the former consisting of" the documents, all of which are public, on file in this case, and the latter, of the testimony of witnesses. From the said documents, and from the certified copy issued by the register of deeds of Manila on July 17, 1907, of the entry made in the old property registry,, it is deduced that these properties have been the subject of successive and legal conveyances since the year 1879, until they were acquired by the applicant in August and September, 1891, by purchase, during his conjugal partnership, now dissolved, with his wife, Juana Reyes y Reyes, and that the ownership of both properties was recorded in the said property registry in the name of the aforementioned Tomas G. del Rosario, as the representative of the said partnership.

"Upon the death of Juana Reyes y Reyes, who died intestate, Concepcion Crispina Dorotea Severina del Rosario y Reyes, a daughter of the marriage of the deceased with the applicant, Tomas G. del Rosario, was declared to be the sole heir of decedent by the Court of First Instance of the district of Quiapo in a decree of February 20, 1892.

"On June 3, 1900, the said Concepcion del Rosario y Reyes also died, at the age of nine years, according to the death certificate Exhibit F, and was succeeded in all her rights and actions, and in respect to one-half of the property, by the said applicant, Tomas G. del Rosario, who was already the owner of the other half of the property.

"After general notice of default, the adjudication and registration of the property in question is decreed (10 a. m.) in the name of the applicant, Tomas G. del Rosario.

"Let a translation be made of the stenographic notes taken of the testimony of the witnesses, and attached to the record of the proceedings.

"In the margin of the entries of registration, which, on folio 34 of volume 4 of the section of Quiapo, and 9 of the register, property No. 131, registration No. 3, and folio 115 of volume 7 of the section of Binondo, property No. 314, appears in the names of Tomas G. del Rosario y Tongco and his daughter, Concepcion Crispina Dorotea Severina del Rosario y Reyes, let record be made by the register of deeds of the city of Manila, that the properties to which said entries refer have been adjudicated to Tomas G. del Rosario, in accordance with Act No. 496.

"MANILA, September 21, 1909."

From the 21st of September, 1909, until the 7th of February, 1914, much more than one year elapsed. The title, therefore, of Tomas G. del Rosario was absolute and complete. The failure of the plaintiff, if he ever had any interest or title in said land, to appear and oppose the registration of the same in the name of Tomas G. del Rosario or to question the registration in his name during a period of one year after the certificate of title had been issued, operates to exclude him forever from questioning the title granted under the Torrens system. (Sec. 38, Act No. 496; Cuyugan and Lim Tuico vs. Sy Quia, 24 Phil. Rep., 567; Maloles vs. Director of Lands, 25 Phil. Rep., 548.)

The plaintiff having lost his right to claim any interest in the lots or parcels of land in question, by virtue of his (a)

failure to present any opposition to the registration of the same under the Torrens system in favor of Tomas G. del Rosario, or (b) to question the validity of such registration within a period of one year thereafter he has forever lost his right therein, if he ever had any.

Therefore the judgment of the lower court is hereby reversed and the defendant is absolved from all liability under the complaint, and without any finding as to costs, it is so ordered.

Torres, Moreland, and Trent, JJ., concur.

Araullo, J., dissents.

July 22, 1916.

DECISION ON MOTION FOR REHEARING

JOHNSON, J.:

On the 27th of March, 1916, a decision was rendered in the above entitled cause, in which the decision of the lower court was revoked. The purpose of the action was to recover a portion of certain parcels of land "como un derecho reservable" (as a reservable right). In the decision the court held that by virtue of the provisions of section 38 of Act No. 496, the plaintiff had lost his right to the property by reason of his failure to present any opposition to the registration thereof under the Torrens system, and had presented no objection to the registration of the same within a period of one year after the decree of registration had been entered.

On the 1st of April, 1916, the attorney for the appellee presented a motion for a rehearing. In his motion for a rehearing he calls our attention to the provisions of article 811 of the Civil Code, the commentaries thereon by Manresa, as well as to the decision of this court in the case of Edroso vs. Sablan (25 Phil. Rep., 295).

It is true that in said cause (Edroso vs. Sablan) we held that the owners of "el derecho reservable" were entitled to have said right noted in the certificate of registration as a valid lien against the property. In that case (Edroso vs. Sablan) the persons holding the reservable right presented their opposition to the registration of the land in question during the pendency of the action in the Court of Land Registration. In the present case the land in question was registered in the month of September, 1909. No objection was presented to the registration of the property. The property in question was registered without objection. No question is now raised that the proceedings for the registration of the land in question were not regular and in accordance with the provisions of the Land Registration Act. Moreover, the plaintiff presented no claim whatever for a period of six years and not then until after the death of the person in whose name the same had been registered under the Torrens system. The provisions of section 38 of Act No. 496 seem to prohibit absolutely the raising of any question concerning the validity of a title of land registered under the Torrens system, after the expiration of one year. We are of the opinion that the prohibitions contained in said section apply to every claim, of whatever nature, which persons may have had against registered land.

In the case of Edroso vs. Sablan (*supra*) the parties interested went to the Court of Land Registration during the pendency of the action there and fully protected their rights. In the present case the plaintiff did not, thereby losing his right given him under the law to the land in question. Whether he has any other remedy for the purpose of recovering damages to cover his loss is a question which we do not now discuss or decide. The appellee apparently has the idea that the decision in the present case destroys "el derecho reservable." That was not the purpose of the decision. The effect of the decision simply is that unless such right is protected during the pendency of the action for the registration of the land, or within a period of one year thereafter, such right is lost

forever. We are of the opinion that there is no conflict between the decision in the present case and that in the case of Edroso vs. Sablan (*supra*).

For the foregoing reasons the motion for a rehearing is hereby denied. So ordered.

Torres, and Trent, JJ., concur.

Moreland, J., concurs in the result.

Araullo, J., dissents.

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.