

**ANTONINO LAZARO, ET AL., PLAINTIFFS AND APPELLEES, VS.
FIDELA R. GOMEZ, ET AL., DEFENDANTS AND APPELLANTS. FIDELA
R. GOMEZ, PLAINTIFF AND APPELLANT, VS. ANTONINO LAZARO, ET
AL.,...**

G.R. No. 12664-65. September 30, 1960

Ponente: GUTIERREZ DAVID, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12664-65/>

GUTIERREZ DAVID, J.:

This is an appeal from a decision rendered by the Court of First Instance of Nueva Ecija in Civil Cases Nos. 1001 and 1006, which were tried jointly. The appeal was taken to the Court of Appeals but that court has certified the case to us on the ground that the issues raised are purely legal.

The record shows that sometime in August, 1931, Prudencio Anastacio acquired the homestead rights of one Eligio Paginag over a parcel of land known as Lot No. 3875 of the Cadastral Survey of San Jose, Nueva Ecija, situated in barrio San Agustin of said municipality. The transfer was, upon recommendation of the Director of Lands, approved by the Secretary of Agriculture and Natural Resources. Consequently, the homestead patent was granted in the name of Prudencio Anastacio and on April 7, 1936, Original Certificate of Title No. 3849 was issued in his name. The lot covered by the title, it appears, was a portion of Lots Nos. 3101, 3102 and 3108. Claiming a superior right, Clemente Lazaro contested the right and title of Prudencio Anastacio over Lot No. 3875 with respect to the area embraced by Lots Nos. 3101 and 3102, which, according to him, had previously been awarded to him by the Bureau of Lands in a public sale made under his Sales Application No. 10288. In a decision rendered by the Director of Lands on August 5, 1937, Lazaro's claim and rights over Lots Nos. 3101 and 3102 were upheld and the award thereof to him was confirmed. No further action, however, was taken on his sales application. In fact, no sales patent has ever been issued to him.

For the cancellation of Original Certificate of Title No. 3849 issued in the name of Prudencio Anastacio, Clemente Lazaro, on October 18, 1937, filed an action in the Court of First Instance of Nueva Ecija (Civil Case No. 7725). On March 16 of the following year, he filed another action for injunction also against Prudencio Anastacio (Civil Case No. 7842). On October 15, 1938, judgment was rendered in Civil Case No. 7725 cancelling Original Certificate of Title No. 3849 and declaring the land described therein to be public land duly covered by the sales application of Clemente Lazaro. In the other case, judgment was likewise rendered making permanent the preliminary injunction issued against Prudencio Anastacio. Both decisions became final and executory. It appears, however, that no notice of lis pendens was registered in either case and that the decision ordering the cancellation of Original Certificate of Title No. 3849 was not registered or annotated on said certificate of title.

In 1943, Prudencio Anastacio disappeared. Nine years thereafter, or on July 5, 1952, his heirs executed a deed of extra-judicial settlement adjudicating unto themselves Lot No. 3875. In the same deed, they sold said lot for P4,000.00 to Fidela R. Gomez. The deed of extra-judicial settlement and sale was approved by the Secretary of Agriculture and Natural Resources and registered with the lands record of Nueva Ecija. Thereafter, Original

Certificate of Title No. 3849 in the name of Prudencio Anastacio covering Lot No. 3875 was cancelled and in lieu thereof Transfer Certificate of Title No. NT-12016 was issued in the name of Fidela R. Gomez, subject to the provisions of Section 4, Rule 74 of the Rules of Court.

On July 29, 1952, herein appellees Antonino, Filemon, and Nicomedes, all surnamed Lazaro, claiming to be the heirs of Clemente Lazaro, who died intestate in 1940, and invoking the judgment rendered on October 15, 1938 in Civil Case No. 7725, filed an action before the Court of First Instance of Nueva Ecija for the annulment of the deed of extra-judicial settlement executed by Prudencio Anastacio's heirs and the cancellation of Original Certificate of Title No. 3849 as well as Transfer Certificate of Title No. NT-12016 in the name of Fidela R. Gomez (Civil Case No. 1001). On the other hand, upon discovering that Lot No. 3875, which she purchased from the heirs of Prudencio Anastacio, was in the possession of herein appellees, Fidela R. Gomez filed in the same court an action against said appellees for the recovery of the said lot (Civil Case No. 1006).

After joint trial of the cases above referred to, the court below, on August 6, 1955, rendered a decision declaring the deed of extra-judicial settlement null and void and ordering the cancellation of Original Certificate of Title No. 3849 in the name of Prudencio Anastacio and Transfer Certificate of Title No. NT-12016 in the name of Fidela R. Gomez. In the same decision, the court dismissed the action filed by Fidela R. Gomez in Civil Case No. 1006. From said decision, Fidela R. Gomez and the heirs of Prudencio interposed the present appeal.

We find merit in the appeal. Appellees' right of action, as plaintiffs in Civil Case No. 1001, is predicated upon the judgment in Civil Case No. 7725, which was rendered way back on October 15, 1938. Indeed, their action was filed simply to enforce that judgment. It is not disputed, however, that said judgment has long become final, and executory, more than 10 years having elapsed before their action to enforce it was filed on July 29, 1952. It being the rule that an action upon a judgment can only be brought within ten years from the date the judgment became final (Sec. 43, Code of Civil Procedure; Art. 1971, old Civil Code; see also Sec. 6, Rule 39, Rules of Court; Arts. 1144 and 1152, new Civil Code), the defense of prescription set up by herein appellants must be sustained. "If eternal vigilance is the price of safety, one cannot sleep on one's right for more than a tenth of a century and expect it to be preserved in its pristine purity." (*Asociacion Cooperativa de Credito Agricola de Miagao w. Monteclaro*, 74 Phil., 281.)

Having arrived at the above conclusion, we find it unnecessary to pass upon the other questions raised by the parties.

Wherefore, the decision appealed from is reversed and defendants-appellees in Civil Case No. 1006 are hereby ordered to vacate Lot No. 3875 and to surrender possession thereof to plaintiff-appellant Fidela R. Gomez. So ordered without costs.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, Reyes, J. B., L., Barrera, Paredes, and Dizon, 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.