

**JUSTINA DE LA CRUZ, ET AL., PLAINTIFFS-APPELLANTS, VS.
CARMEN QUEVEDO, ET AL., DEFENDANTS-APPELLEES.***G.R. No. 14430. March 29, 1960*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-14430/>**BENGZON, J.:**

This controversy over a five-hectare land in Ilocos Norte between the Cruz and the Quevedo families, started in 1932. Despite three litigations won by the latter, it still occupies the courts' attention. It should have ended in June 1942 when this Tribunal decided G. R. No. L-48790 between the same parties; but the shrewdness of counsel exploiting a clerical error, managed to prolong the dispute.

In October 1932, Teodora de la Cruz, the predecessor of the present plaintiffs, filed (with others) an application for registration of a parcel of land of more than 90 hectares (Registration Case No. 241). Among the oppositors were Santos Quevedo, (ascendant of present defendants) who asserted ownership over a 5-hectare portion. Cruz prevailed in the court of first instance. The Court of Appeals, upon review, approved the registration, but modified it by sustaining the opposition and claim of Quevedo in these lines, immediately following a complete description of the 5-hectare not claimed by him:

"por la preponderancia de las pruebas, dicha porcion debe excluirse de la solicitud y adjudicarse a Santos Quevedo x x x"

x x x

"Por las consideraciones expuestas, modificamos la sentencia apelada, estimando las oposiciones de Felix Ponce, de los herederos de David Flor y de Santos Quevedo, desestimando todas las demas, y adjudicando a ellos las porciones reclamadas por los referidos opositores Ponce, Flor y Quevedo, sujeto a los contratos exhibitos O, P y Q otorgados entre aquellos y los opositores llamados zanjeros. x x x Los solicitantes deben presentar un plano enmendado de acuerdo con esta decision, y dentro del plazo que el Juzgado inferior designe. x x x."

(Note: the words underlined in the above quotation are pivotal in the case at bar.)

The Court of Appeals decision became final. Thus, upon the return of the expediente (Registration Case No. 241) the Ilocos Norte Court of First Instance required Cruz to submit an amended plan of the real property by excluding the portions adjudicated [sic] to Santos Quevedo, (Felix Ponce and Herederos de David Flor ... other successful oppositors). Unwilling to submit such amended plan and maintaining that the portion adjudged to Santos Quevedo was not included in the plan originally submitted by her, Teodora Cruz came to this Court with a certiorari petition challenging the order. Her petition, however, was dismissed in January 1940 by a resolution that ended with these words: x x x el Juzgado de Primera Instancia de Ilocos Norte no solamente obro dentro de su jurisdiccion sino que obro precisamente en cumplimiento de la decision dictada por el Tribunal de Apelaciones."

This 1940 decision, however, in quoting the dispositive part of the Court of Appeals' decision omitted or rephrased through clerical mistake or erroneous transcription the portion which reads "y adjudicando a ellos las

porciones reclamadas por los referidos opositores Ponce, Flor y Quevedo." [1] We say it was a mistake because the official copy of the decision attached to Registration Case No. 241 contains the omitted portion; and the very 1940 decision makes an acknowledgement that certain parcels had been adjudicated to the oppositors Santos Quevedo, Felix Ponce and Herederos de David Flor.

After 1940, Quevedo took steps to carry out the Court of Appeals decision in his favor; but Cruz presented again a petition to review, on the ground of fraud, the award in favor of Quevedo, which fraud was made to consist in the manifestation of Quevedo that "the land applied for by Cruz included parcels belonging to him", when in fact it did not. The petition was denied — naturally, because the alleged fraud being intrinsic could not justify reopening. [2] And when she appealed the denial, the court disallowed the appeal. She took the matter to this Court by petition for mandamus (G. R. No. L-48790). However, such petition was here dismissed in June 1942, because as this Court found, "the motion for revision can have evidently no other purpose than malicious delay, and the appeal taken from the order denying such motion is frivolous." This decision again expressly referred to the parcel that "had been adjudged" to Quevedo.

These rebuffs notwithstanding, Cruz continued to refuse to submit an amended plan, as directed by the Court of Appeals, showing the area claimed by and adjudicated to Quevedo. So, the latter obtained a court decree permitting a government surveyor to prepare the technical plan thereof. Upon submission of the surveyor's plan, the court ordered, in December 1946, the Sheriff to put Quevedo in possession of the land therein described. This order was accordingly complied with.

Four years later, i. e. in September 1950, the heirs of Cruz initiated the present lawsuit of reivindicacion, alleging they had been illegally deprived of the land given to the Quevedos by the Sheriff.

There is no doubt that the land was identically the same parcel described in the opposition and claim submitted by Quevedo in the original Registration Case No. 241. Nevertheless, plaintiffs contend it was not adjudicated to Quevedo in that Case No. 241; and they rely principally on the mistaken quotation in our decision of 1940 in the certiorari case. Fortunately, however, the court of first instance took cognizance of its own records, and following the tenor of the official copy of the Court of Appeals decision attached to Registration Case No. 241, correctly held that the parcel had been adjudicated to Quevedo. Indeed, our very decision of 1940 explicitly approved the lower court's order to segregate from the original plan "las porciones adjudicadas a los opositores Quevedo, x x x." Therein, we thought the court "obro precisamente en cumplimiento de la decision dictada por el Tribunal de Apelaciones."

In fact, up to 1950 when this case was instituted, the court of first instance in several directives, ad this Court, have regarded the lot as awarded to Santos Quevedo.

It is now too late to aver, as appellants do, that such piece of land was not included in Registration Case No. 241, or was different from the lot he claimed in said registration proceeding or that he had no title to it. The Court of Appeals' decision constitutes res judicata [3] on the point of Quevedo's ownership.

Consequently, the lower court's dismissal of the instant attempt to recover the land from his successors must be, and is hereby affirmed, with costs against appellants.

Paras, C. J., Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, and Gutierrez David, JJ., concur.

Padilla and Endencia, JJ., took no part.

[1] "y adjudicando a los solicitantes los terrenos solicitados con excepcion de las porciones reclamadas por los

referidos opositores Ponce, Flor y Quevado."

[2] Only extrinsic or collateral fraud gives rise to reopening. Perjury is not extrinsic fraud. *Labayen v. Talisay-Silay*, 68 Phil. 376; *Domingo v. David*, 68 Phil. 134; *Melgar v. Delgado*, 54 Phil. 668.

[3] The cases cited by appellant holding that one who lost in a registration case may thereafter relitigate and sue the oppositors in a "reivindicacion", were cases wherein the land was not adjudged in favor of the latter in the registration proceeding.

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.