

JOHN O. YU, PLAINTIFF AND APPELLEE, VS. MAXIMO DE LARA, JUAN PANLILIO, LUCIA RIVERO, FLORENTINO ROQUE AND DOMINGO SAMSON, DEFENDANTS AND APPELLANTS.*G.R. No. 16084. November 30, 1962*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16084/>**MAKALINTAL, J.:**

This is an ejectment case decided first by the Justice of the Peace Court of Caloocan and, on appeal, by the Court of First Instance of Rizal, Pasig branch, which ordered the defendants "to vacate the premises in question, to pay the monthly rental of P15.00 to begin from the time this action was filed up to the time they vacate the premises, and to pay the costs."

The pertinent facts are the subject of stipulation below. Lot No. 14, block No. 51-C of the Grace Park subdivision, with an area of 682.5 meters, is the disputed property. It was originally registered in 1916 (O. C. T. No. 868 of the Registry of Deeds of Rizal), subsequently acquired by the Philippine Realty Corporation (T. C. T. No. 22104) and sold by it on 28 November 1956 to plaintiff-appellee, John O. Yu, a Filipino citizen, who obtained T. C. T. No. 11267 in his name. In 1945 several persons settled on the property and constructed houses thereon without permission from, or contract with, the Philippine Realty Corporation, then the registered owner. On various dates thereafter, between 1947 and 1952, appellants here bought the houses of those settlers and continued in occupancy thereof without paying any rents to the owner of the land. In February 1957 plaintiff-appellee advised them in writing to vacate within 30 days, and in view of their refusal filed a complaint of unlawful detainer within the statutory period of one year.

The first point raised by appellants is that the Philippine Realty Corporation had lost possession of the property by abandonment, under Article 555, paragraph 1, of the Civil Code, in failing to take action against them and showing lack of interest in said property since they started their occupancy. The circumstances adverted to are insufficient to constitute abandonment, which requires not only physical relinquishment of the thing but also a clear intention not to reclaim or reassume ownership or enjoyment thereof. Indeed, abandonment which according to Manresa (Vol. 4, 5th ed., p. 277) converts the thing into *res nullius*, ownership of which may be acquired by occupation, can hardly apply to land, as to which said mode of acquisition is not available (Art. 714, Civil Code), let alone to registered land, to which "no title * * * in derogation to that of the registered owner shall be acquired by prescription or adverse possession" (Sec. 46, Act No. 496). No possessory rights whatsoever can be recognized in favor of appellants, because they are in fact nothing but squatters, who settled on the land without any agreement with the owner, paying neither rents to him nor land taxes to the government, and who impliedly recognized their squatters' status by purchasing only the houses built by the original settlers. Their occupancy of the land was at the owner's sufferance, and their acts were merely tolerated which could not affect the owner's possession (Arts. 537 and 1119, Civil Code).

Appellants next contend that since there is no showing that there was any promise on their part, express or

implied, to return the land to appellee, or that they failed to do so after their right to retain it had expired, they cannot be considered as unlawfully withholding possession within the meaning of Section 1 of Rule 72. The implication of the argument is that this action of unlawful detainer was improperly brought against them in the Justice of the Peace Court of Caloocan. A person who occupies the land of another at the latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise that he will vacate upon demand, failing which a summary action for ejectment is the proper remedy against him. In any event, whatever might be said on this point in so far as it relates to the original jurisdiction of the Justice of the Peace Court—and hence to the appellate jurisdiction of the Court of First Instance—it does not appear that the question was raised in the former court at all. Consequently the latter court could take cognizance of the case—as one for recovery by the owner of the right of possession—in the exercise of its original jurisdiction, pursuant to section 11 of Rule 40.

The third and last contention of appellants is that the Court of First Instance lacked jurisdiction to decide this case because there were prejudicial questions pending before us on appeal in cases G. R. Nos. L-12614 and L-12615[*] concerning the same property. The issue in those two cases was the propriety of the registration of appellants' adverse claim to the said land, which was resolved against them by the Land Registration Commissioner. In the first place the issue was not prejudicial in nature: it could not affect appellee's right to the possession of his land, which has nothing to do with the registrability or non-registrability of appellants' alleged adverse claim; and secondly, the said cases have already been decided by us on January 29, 1960, by upholding the action taken by the Land Registration Commissioner.

The judgment appealed from is affirmed, with costs against appellants.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and Regala, JJ., concur.

* Estella, et al. vs. Register of Deeds (106 Phil., 911; 57 Off. Gaz., [17] 3115).

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.