

JOSE O. DURAN AND TERESA DIAZ VDA. DE DURAN, APPLICANTS AND APPELLANTS, VS. BERNABE OLIVA, ET AL., OPPOSITORS AND APPELLEES.

G.R. No. 16589. September 29, 1961

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16589/>

LABRADOR, J.:

This is an appeal from two orders dated July 31, 1959 and September 12, 1959, both of the Court of First Instance of Camarines Sur, Hon. Perfecto R. Palacio, presiding, rendered in Land Registration Case No. N-564; G. L. R. Rec. No. N-7544, entitled "Jose O. Duran and Teresa Diaz vda. de Duran, applicants, versus Bernabe Oliva, Fe Almazan, Heirs of Vicente Godesano, Manuel Arce and Esperanza Salud, oppositors." The order of July 31, 1959 is for the dismissal of the land registration case for lack of jurisdiction of the lower court with respect to Lots Nos. 3, 6, 7, 9 and 15, and that dated September 12, 1959 with respect to Lots Nos. 12 and 16.

On December 3, 1953, Jose O. Duran and Teresa Diaz vda. de Duran filed an application for the registration in their names of sixteen lots (denominated in said application as Lots Nos. 1 to 16, inclusive) under Plan PSU-128386 in the Court of First Instance of Camarines Sur. On April 20, 1954, the case was heard initially and on May 5, 1954, the oppositors filed their opposition to the application. On August 27, 1958, the oppositors filed a motion to dismiss the application on the ground that the court has no jurisdiction to decree registration of the lots respectively claimed by them, because said lots are already registered and certificates of title have been issued thereon in their names. They attached to the motion to dismiss the following: Original Certificate of Title No. 2342, in the name of Bernabe Oliva (covering Lot 6); Original Certificate of Title No. 2343, in the name of Fe Almazan (covering Lot 7); Original Certificate of Title No. 514, in the name of Manuel Arce (covering Lots Nos. 9 and 15); Original Certificate of Title No. 433, in the name of Esperanza Salud (covering Lot No. 16); and Original Certificate of Title No. 7439, in the name of Heirs of Florencio Godesano (covering Lots Nos. 3 and 12). The applicants filed their objection to said motion, alleging that the reasons for the motion to dismiss do not appear in the application but are mere assertions of the parties and that the trial court has jurisdiction to consider the application even though the lots subject matter thereof are already covered by certificates of title. After a reply to the opposition was filed by the oppositors, the lower court resolved the motion to dismiss and rendered successively the two orders of dismissal appealed from. Hence this appeal.

The applicants-appellants assign two errors of the lower court, to wit:

"The lower court erred in considering and granting the objectors-appellees' motion to dismiss the application for registration with respect to lots 3, 6, 7, 9, 12, 15 and 16 although it was based merely on the supposed facts alleged in the said motion itself; and

"The lower court erred in dismissing the application with respect to lots 3, 6, 7, 9, 12, 15 and 16 for alleged lack of jurisdiction upon the mere assertion of the objectors-appellees that these lots are covered by certificates of title based merely upon public land patents granted to them."

In support of their first assignment of error, appellants claim that oppositors-appellees can not avail of a motion to dismiss in a land registration case and that the application and the titles do not show similar identities between the lots covered by said titles and those applied for in these proceedings.

The first assignment of error can not be sustained. By express provision of Rule 132 of the Rules of Court, the rules contained therein apply to land registration and cadastral cases in a suppletory character and whenever practicable and convenient (*Dulay vs. The Director of Lands*, 53 Off. Gaz. p. 161). The Land Registration Act does not provide for a pleading similar or corresponding to a motion to dismiss. As a motion to dismiss is necessary for the expeditious termination of land registration cases, said motion contained in the Rules of Court can be availed of by the parties in this case.

With respect to the alleged failure of the oppositors-appellees to prove similar identities of the lots covered by the titles and those applied for, We have examined the certificates of title and the application, and We concur with the finding of the trial court that the lots covered by said titles are the same as some of those applied for by the appellants. We, therefore, find no justification for reversing the orders appealed from based only upon the first assignment of error.

Appellants argue in support of their second assignment of error that a certificate of title based upon a mere homestead, sales or free patent covering private land is null and void; that it is the decree of registration, not the certificate of title which confers the character of incontestability of title; that the appellants have been deprived of their property without hearing; and that the cases cited in the order of the lower court do not apply to the case at bar. Consequently, they claim that the lower court possesses jurisdiction to try and decide the instant land registration proceedings even with respect to the lots already covered by certificates of title.

Appellants' claim is without merit, if we have to consider that a patent once registered under Act No. 496 becomes indefeasible as a torrens title (*Manalo vs. Lukban, et al.*, 48 Phil., 973).

"Sec. 122.—Whenever public lands in the Philippine Islands belonging to the Government of the United States or to the Government of the Philippine Islands are alienated, granted, or conveyed to persons or to public or private corporations, the same shall be brought forthwith under the operation of this Act and shall become registered lands. * * * After due registration and issue of the certificate and owner's duplicate, such land shall be registered land for all purposes under this Act." (Act 496)

The primary and fundamental purpose of the Torrens System of registration is to finally settle the titles to land; to put to stop any question of legality of title thereto. That being the purpose of the law, there would be no end to litigation if every property covered by Torrens title may still be relitigated in a subsequent land registration proceedings. Pursuant to the above purpose, we have held in a long line of decisions that a homestead patent once registered under the Land Registration Act can not be the subject matter of a cadastral proceeding and that any title issued thereon is null and void.

"A homestead patent, once registered under the Land Registration Act, becomes as indefeasible as a Torrens title, and cannot thereafter be the subject of an investigation for determination or judgment in a cadastral case. Any new title which the cadastral court may order to be issued is null and void and should be cancelled. All that the cadastral court may do is to make correction of technical errors in the description of the property contained in its title, or to proceed to the partition thereof if it is owned by two or more co-owners." (*Ramoso vs. Obligado, et al.*, 70 Phil., 86; See also *Pamintuan vs. San Agustin*, 43 Phil., 558; *El Hogar Filipino vs. Olviga*, 60 Phil., 17; *Republic vs. Carle, et al.*, G. R. No. L-12485, July 31, 1959; *Samonte et al., vs. Descallar, et al.*, G. R. No. L-12964, Feb. 29, 1960.)

The same may be said of a sales patent. Once a certificate of title is issued under the Land Registration Act in lieu

of a sales patent, the land is considered registered under the Torrens system and the title of the patentee becomes indefeasible.

As the title of the respondents, who hold certificates of title under the Land Registration Act becomes indefeasible, it follows that the Court of First Instance has no power or jurisdiction to entertain proceedings for the registration of the same parcels of land covered by the certificates of title of the respondents. Such has been our express ruling in the case of *Rojas, et al., vs. The City of Tagaytay, et al.*, 106 Phil., 517; 60 Off. Gaz., 820, in which this Court, through Mr. Justice Barrera, said:

"As thus, viewed, the pivotal issue is one of jurisdiction on the part of the lower court. All the other contentions of respondent regarding possession in good faith, laches or claims of better right, while perhaps valid in an appropriate ordinary action, as to which we here express no opinion, can not avail in the case at bar if the court a quo, sitting as land registration court, had no jurisdiction over the subject matter in decreeing on June 30, 1957, the registration, in favor of respondent city, of a lot already previously decreed and registered in favor of the petitioners.

"In a quite impressive line of decisions, it has been well-settled that a Court of First Instance has no jurisdiction to decree again the registration of land already decreed in an earlier land registration case and a second decree for the same land is null and void.[1] This is so, because when once decreed by a court of competent jurisdiction, the title to the land thus determined is already a *res judicata* binding on the whole world, the proceedings being in rem. The court has no power in a subsequent proceeding (not based on fraud and within the statutory period) to adjudicate the same title in favor of another person. Furthermore, the registration of the property in the name of first registered owner in the Registration Book is a standing notice to the world that said property is already registered in his name. Hence, the later applicant is chargeable with notice that the land he applied for is already covered by a title so that he has no right whatsoever to apply for it. To declare the later title valid would defeat the very purpose of the Torrens system which is to quiet title to the property and guarantee its indefeasibility. It would undermine the faith and confidence of the people in the efficacy of the registration law.[2]"

Wherefore, the orders appealed from are hereby affirmed. With costs against appellants.

Bengzon, C. J., Padilla, Reyes, J. B. L., Paredes, and De Leon, 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.