

**THE GOVERNMENT OP THE PHILIPPINE ISLANDS, APPLICANT, VS.
THE TESTATE ESTATE OP THE DECEASED ANTONIA DE LA CRUZ,
CLAIMANT AND APPELLANT, AND ABDON GOMEZ, CLAIMANT AND
APPELLEE.**

G.R. No. 21387. September 22, 1924

Ponente: ROMUALDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-21387/>

ROMUALDEZ, J.:

On November 27, 1922, judgment was rendered by the Court of first Instance of Manila concerning lots 2, 3, 8 and 10 of this cadastral proceeding claimed by the estate of Antonia Cruz y Bautista on the one hand, and by Abdon Gomez, on the other, adjudicating lots Nos. 2, 8 and 10 to the spouses Patricio de los Reyes and Antonia de la Cruz y Bautista, and lot No. 3 to Abdon Gomez Quijano y Reyes.

On December 18, 1922, these parties entered into an agreement in writing as to lots 2, 8 and 10, which was filed and contained a statement as follows: "Without prejudice to the claim of both parties being decided later on as to lot 3" (pp. 13 and 14, bill of exceptions).

Upon said agreement as to lots 2, 8 and 10, the court, in an order dated December 19, 1922, set aside the judgment concerning said lots, but said nothing as to lot 3. On April 16, 1923, Luisa Reyes, administratrix of the estate of Antonia de la Cruz y Bautista, moved to set aside the judgment as to lot 3, on the ground that she had not had an opportunity to present evidence as to said lot. This was opposed by Abdon Gomez.

On the same date April 16, 1923, the same Luisa Reyes filed a motion, insisting that a date be set for hearing on lot 3.

These motions were denied by the trial court on April 28, 1923, on the ground that the judgment of November 27, 1922, was entered after said Luisa Reyes had submitted the case for decision in a motion dated July 7, 1922 (p. 7, bill of exceptions).

On July 25, 1923, Luisa Reyes excepted to the judgment of November 27, 1922, and the order of April 28, 1923.

On the same date, July 25, 1923, Luisa Reyes petitioned the court that the certificate of title issued over lot No. 3 be cancelled, and at the same time moved for a new trial which was denied on August 2f 1923, an exception in writing having been taken to said ruling on August 11, 1923, and application made for the reconsideration of the order of August 2, 1923, to which an opposition was entered by Abdon Gomez on August 21, 1923.

The motion for reconsideration was denied on August 25, 1923, Luisa Reyes having excepted thereto on September 7, 1923.

It appears from the record that the motions to set aside the judgment of November 27, 1922, were properly denied.

Said judgment became final and was acquiesced in. While the parties attempted to suspend the effect of said

judgment through the agreement of December 18, 1922, the fact is that the order of the court of December 19, 1922, set aside the judgment only as to lots Nos. 2, 8 and 10, said judgment having been left unchanged as to lot No. 3. On that date at least,—December 19, 1923,—the period began to run, until the judgment became final and unappealable and the court lost jurisdiction to alter said judgment. For this reason, it was no error to deny the motion of Luisa Reyes filed April 16, 1923, more than three months from the entry of the order of December 19, 1922, and more than four months from that of the judgment of November 27, 1922. For the same reason, it was no error to deny the subsequent motions filed by said Luisa Reyes. Therefore, there is no merit in the third, fourth, sixth and seventh assignments of error made by the appellant. As to the first and fifth errors, it has already been intimated that they are groundless. These assignments of error are refuted in appellant's motion of July 7, 1922 (p. 7, bill of exceptions).

As to the second assignment of error, concerning the judgment in case No. 18889, it appears that said judgment, copy of which was filed and is attached to the original record of this case on folio 26, does not include, nor refer, to lot 3 here in dispute. This error is, therefore, of no merit.

The judgment and orders appealed from are affirmed with the costs against the appellant. So ordered.

Johnson, Street, Malcolm, Avanceña, Villamor, and Ostrand, 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.