

AGAPITO SUGAYAN ET AL., PETITIONERS, VS. PAULINO SOLIS Y SUNIGA AND ISIDRO PAREDES, JUDGE OF FIRST INSTANCE OF PANGASINAN, RESPONDENTS.

G. R. No. 36265. November 06, 1931

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36265/>

IMPERIAL, J.:

This is a petition filed under section 513 of the Code of Civil Procedure to set aside the judgment rendered by the respondent judge on February 4, 1929 in cadastral case No. 41 of the Court of First Instance of Pangasinan, G. L. R. O, Cad. Rec. No. 925, and to restrain the respondents from executing it until they receive a further order.

The facts upon which the petition is based are as follows: In civil case No. 4753 of the Court of First Instance of Pangasinan, for recovery of property, in which the present respondent Paulino Solis y Suniga was plaintiff and the petitioners were defendants, judgment was rendered by the respondent judge absolving the defendants from the complaint and declaring them to be the owners of the property in litigation, which is lot No. 3183 of the cadastral case mentioned above. The therein plaintiff appealed from that judgment to the Supreme Court and the case was docketed as G. R. No. 30145. Because of illness the stenographer was unable to transcribe his notes in the case, for which reason this court on August 15, 1929 ordered that the case be remitted to the court of origin for a new trial. During the pendency of this new trial, cadastral case No. 41 came up for hearing and after entering a decree of default, the court took up lot No. 3183 which was then claimed only by the respondent Paulino Solis y Suniga. The hearing upon this lot took place in the absence of the petitioners who now allege that they had filed an answer claiming the same property, but that it is not in the record because of having been mislaid. On February 4, 1929, judgment was rendered adjudicating the land and improvements to the aforesaid respondent, and in due time final decree No. 392351 and the original certificate of title No. 37303 were issued. The petitioners did not become aware of these proceedings until August 25, 1931, when the sheriff served notice upon them of a writ of possession issued in the registration proceedings, at the instance of the then claimant and now respondent Paulino Solis y Sutiiga, and demanded that they at once vacate said lot. As a year had elapsed since the issuance of the final decree, the petitioners had no speedy remedy in the Court of First Instance of Pangasinan, and so they decided to file the present proceeding before this Supreme Court; but they first petitioned for, and obtained from the Court of First Instance a stay of execution of the writ of possession pending final judgment in these proceedings.

In a sworn answer filed on October 23, 1931, the respondents admit all the paragraphs of the petition with the exception of Nos. 7, 8, 9, and 10, with reference to which they set up the following defenses: That lot No. 3183 of the cadastral case No. 41 of the Province of Pangasinan, G. L. R. O. Cad. Rec. No. 925, was adjudicated to the respondent Solis by virtue of the judgment rendered on February 4, 1929; that on February 4, 1930 the final decree was issued; that on August 2, 1930 the original certificate of title No. 37303 (Exhibit A of the respondents) was duly issued to said respondent; that an undivided half of the land was sold to the innocent purchaser, Regino Solis; that it is untrue that at the hearing upon the aforesaid lot no evidence was adduced in support of the right

invoked by said respondent; that the petitioners did not file any answer claiming the same lot of land; and lastly, that the said petitioners cannot properly claim the benefit of section 513 of the Code of Civil Procedure, under which they have filed their petition.

The question raised by the foregoing facts is whether the petitioners may invoke section 513 of the Code of Civil Procedure for the purpose of having the final decree issued in cadastral proceeding No. 41 of Pangasinan revoked or set aside; or, in other words, whether the provisions of section 513 are applicable to the present case where it appears that a final decree of registration has already been issued.

That question of law has already been decided in the negative in *Sotto vs. Sotto* (43 Phil., 688 et seq.) and *Evangelista vs. Director of Lands and Judge of First Instance of Pampanga* (45 Phil., 848 et seq.). In the first case, in discussing the question of law, we said:

"From the time of the passage of Act No. 1108 until the filing of the petition in the recent case of *Caballes vs. Director of Lands* (41 Phil., 357) the final decrees in land registration cases were always regarded as indefeasible and it apparently did not occur to the members of the legal profession that the provisions of section 513, supra, could be applied to such decrees or to the orders or decisions upon which they were based. Aside from the dictum in the *Caballes* case, this court has consistently held that final decrees in land registration cases could not be reopened except under the circumstances, and in the manner, mentioned in section 38 of the Land Registration Act. (*Grey Alba vs. De la Cruz*, 17 Phil., 49; *City of Manila vs. Lack*, 19 Phil., 324; *Cuyugan and Lim Tuico vs. Sy Quia*, 24 Phil., 567; *Broce vs. Apurado*, 26 Phil., 581; *Roxas vs. Enriquez*, 29 Phil., 31; *De Jesus vs. City of Manila*, 29 Phil., 73; *Manila Railroad Co. vs. Rodriguez*, 29 Phil., 336; *Legarda and Prieto vs. Saleeby*, 31 Phil., 590; *Mariano Velasco & Co. vs. Gochuico & Co.*, 33 Phil., 363; *Roman Catholic Archbishop of Manila vs. Sunico and Catli*, 36 Phil., 279; *Bias vs. De la Cruz and Melendres*, 37 Phil., 1; and *Government of the Philippine Islands vs. Abural*, 39 Phil., 996.)

"The dominant principle of the Torrens system of land registration is that the titles registered thereunder are indefeasible or as nearly so as it is possible to make them. (*Niblack's Analysis of the Torrens System*, paragraphs 5, 161, and 166; *Sheldon on Land Registration*, pp. 40 and 41; *Dumas' Registering Title to Land*, p. 31; *Hogg on the Australian Torrens System*, pp. 775 et seq.) This principle is recognized to the fullest extent in our Land Registration Act and gives the Act its principal value. (See Land Registration Act, sections 38 and 39.)

* * * * *

"If we, on the other hand, hold that in land registration matters section 513 of the Code of Civil Procedure applies only to those judgments which are not covered by final decrees of confirmation (of which the *Caballes* case offers a good example) all difficulties in reconciling the amended section 14 of the Land Registration Act with its other sections disappear and the registration system established by the Act will remain intact. In view of the fact that it obviously was not the intention of the Legislature to introduce any radical changes in the system itself, this seems to be the only rational construction which can be placed upon the law.

"Such an interpretation can in reality impose no material hardship upon the aggrieved party; he still has his right of action for damages against the person who has unjustly deprived him of his land and if the title has not been transferred to a third party, an attachment may be levied upon the land. Recourse may also be had to the assurance fund in proper cases. Furthermore, we have already held in the case of *Cabanos vs. Register of Deeds of Laguna*, and *Obinana* (40 Phil., 620), that in certain cases a suit in equity may be maintained to compel the conveyance of registered land to the true owner.

"A person who, through no fault of his own, has been deprived of his land through registration proceedings is thus offered all the remedies which he, in justice and equity, ought to have; to go farther and allow his claims to prevail against the rights of a bona fide purchaser for value from the holder of a registered title is neither justice nor common sense and is, as we have seen, subversive of the object of the Land Registration Act. This,

as far as we can see, would be the inevitable and logical consequence of adopting the doctrine that final land registration decrees may be reopened; it is inconceivable that a certificate of title can stand when the decree upon which it is based fails.

* * * * *

"For the reasons stated, we hold that the so called 'decree of confirmation and registration provided for in the Land Registration Act is not a judgment within the meaning of section 513 of the Code of Civil Procedure, and that such a decree cannot be reopened except for the reasons and in the manner stated in section 38 of the Land Registration Act."

According to the facts admitted in the pleadings filed in the aforementioned cadastral proceeding, the final decree had already been issued, and the petition now filed tends precisely to annul or set aside said final decree; we see no reason for not applying the principles laid down in the Sotto case, supra, and holding that in the case before us the provisions of section 513 of the Code of Civil Procedure cannot be invoked because they are inapplicable. We reiterate what was laid down in that case to the effect that the remedy afforded by said section 513 cannot and should not be extended to land registration cases where the final decree mentioned in Act No. 496 has already been issued. In such case the proper proceeding would be that prescribed in section 38 of the last-named Act, if the period fixed had not already elapsed.

For the foregoing reasons, the petition is denied, with costs against the petitioners. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Ostrand, Romualdez, and Villa-Real, 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.