

**THE BANK OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE,
VS. PASCUAL ACUÑA ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. 36890. December 21, 1933*

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36890/>**STREET, J.:**

This action was instituted by the Bank of the Philippine Islands in the character of receiver of the Tuason Entail, for the purpose, among others, of recovering from Pascual Acuña and others certain land contained in the Santa Mesa and Diliman hacienda located in the barrios of Bagobantay and Diliman, of the municipalities of Caloocan and San Juan del Monte, Province of Rizal, with declaration that the defendants have no dominical rights over any portion of said hacienda, and to recover damages and costs. The defendants, who are numerous, answered with general denials, various special defenses, and cross-complaints, asking that they be absolved and that judgment be given to them in various amounts for the value of improvements alleged to have been made by them upon the portions of said estate respectively held by them, with costs. Upon hearing the cause the Court of First Instance of Rizal disallowed each and all the cross-complaints, declared that none of the defendants own any part of the land in controversy, and required them to surrender possession to the plaintiff. To the Diliman defendants the court allowed their appropriate share in the fees of the assessors. All without, pronouncement as to costs. From this judgment two classes of the defendants appealed, namely, the Bagobantay group and the Diliman group, the first consisting of about 57 appellants, and the second consisting of about 36.

The character in which the plaintiff sues is not open to question, and the material facts are as follows: The heirs of the Tuason estate, herein referred to as the Tuason Entail, hold a Torrens title to a tract of land containing three parcels with an area of about 1,600 hectares located in the Province of Rizal. This property is now covered by Torrens certificate of title No. 3792 issued in lieu of an older certificate dating from July 8, 1914. The land, for the most part, is not productive, having a light covering of soil. It is not very useful for agricultural purposes, but it is valuable because of its great extent and its proximity to a populous city. In October, 1929, and prior thereto, the defendants entered upon portions of the property mentioned and fixed themselves thereon. To dislodge them this action was brought.

The fundamental facts above stated supply all that is really necessary to this decision, and said facts are fully borne out by the report of the two assessors, who were nominated by the appellants, and by the findings of the trial court. Nevertheless the attorneys representing the appellants have exhausted the resources of legal ingenuity to make it appear that this usurpation had some sort of legal justification. The appeal is manifestly a mere fight for time and a contention for damages or compensation for improvements, without basis in fact. The first error assigned by the Diliman group is to the effect that the trial court made no special findings upon the counterclaims of the defendants. But such special findings were unnecessary, for it is manifest that, when the facts found in connection with the principal cause of action supply a complete refutation of the cause of action stated in a counterclaim, no special findings upon the counterclaim are needed. It is obvious that the decree of the court in the land registration proceeding put a quietus upon any rights which the appellants may be supposed to have had,

originating anterior to the decree, and since that decree was entered and title issued, the appellants could have no rights other than such as are derived from and under the Torrens title. But no scrap of paper was introduced in evidence showing any such right, and since the rights acquired by the decree are imprescriptible (section 46, Act No. 496), it results that the occupation of this land by the appellants is a mere usurpation against which no valid legal defense can be alleged.

Some of the defendants have attempted to prove that they have occupied the parcels held by them from a period long anterior to the decree in the land registration case, and some that the parcels held by them are not within the confines covered by the title relied upon by the plaintiff. All such contentions are evidently baseless. Some of the appellants, it is true, had been on portions of this land anterior to the present usurpation, but having been ousted, they returned upon the occasion of the invasion now referred to, planting themselves upon different parcels from what they had occupied before. All of them are without color of right or title, and their number and concerted action supply the main reasons why the course of this action should have been prolonged until now.

With respect to the claim of all of these appellants for reimbursement for the value of improvements supposed to have been made by them upon the usurped property, it is enough to say that such improvements, if they existed, were evidently made in notorious bad faith; and they could not be entitled to compensation; but as demonstrated in the report of the assessors and opinion of the trial court, the improvements claimed, for the most part, have not been made.

Among the arguments made by the appellants of the Bagobantay group, it is alleged that the Torrens title relied upon by the plaintiff is void, and in support of this contention it is stated that, during the course of the registration proceedings, an order was made by the court for the amendment of the original plan of the applicants and that this order was not followed by new publication, wherefore, it is supposed, the court was without jurisdiction to decree the title to the applicants. In this connection reliance is placed upon the doctrine stated in *Philippine Manufacturing Co. vs. Imperial* (49 Phil., 122). But the brief for the appellants fails to call attention to the fact that the rule stated in the case cited has reference to an amendment of the plan by which additional land, different from that included in the original survey, is intended to be brought within the process of registration. In the case before us, the order referred to was for the exclusion of certain portions of the land covered by the original survey, and the doctrine of the case cited cannot apply. Apart from this it does not appear that the portion intended to be excluded comprehended any part of the land which has been usurped.

The appeal is without merit, and the judgment will be in all respects affirmed. So ordered, with costs against the appellants.

Abad Santos, Vickers, Butte, and Diaz, 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.