

CATALINO BATACLAN, PETITIONER, VS. THE COURT OF FIRST INSTANCE OF CAVITE AND VICENTE SANTO DOMINGO BERNARDO, RESPONDENTS.

G.R. No. 43456. May 06, 1935

Ponente: VICKERS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-43456/>

VICKERS, J.:

This is a petition for a writ of certiorari to annul an order of the Court of First Instance of Cavite issued on April 24, 1934 for the sale at public auction of the land which was the subject of civil case No. 2428 of said court between the respondent, Vicente Santo Domingo Bernardo, as plaintiff, and the petitioner herein, Catalino Bataclan, as defendant.

The dispositive part of the decision in that case is as follows:

"Por las consideraciones expuestas, se declara al demandante Vicente Santo Domingo Bernardo dueiio y con derecho a la posesion del terreno que se describe en la demanda, y al demandado Catalino Bataclan con derecho a que el demandante le pague la suma de P1,642 por gastos utiles hechos de buena fe en el terreno, y por el cerco y ponos de coco y abaca' existentes.en el mismo, y con derecho, ademas, a retener la posesion del terreno hasta que se le pague dicha cantidad. El demandante puede optar, en el plazo de treinta dias, a partir de la fecha en que fuere notificado de la presente, por pagar esa suma al demandado, haciendo asi suyos el cerco y todas las plantaciones existentes en el terreno, u obligar al demandado a pagarle el precio del terreno, a razon de trescientos pesos la hectarea. En el caso de que el demandante optara (por) que el demandado le pagara el precio del terreno, el demandado efectuara el pago en el plazo convenido por las partes o que sera fijado por el Juzgado. Sin costas."

On appeal to this court the value of the land containing 90 hectares was reduced from P300 to P200 a hectare, and the value of the improvements made by the defendant thereon was increased from P1,642 to P2,212. The decision of the lower court was affirmed in all other respects. (G. R. No. 37319.)[1]

The plaintiff in that case, Vicente Santo Domingo Bernardo, elected to compel the defendant, Catalino Bataclan, to pay him the value of the land, P18,000. Petitioner alleges that he filed a motion on January 12, 1934 praying that he be granted a period of fifteen years in which to pay said sum of P18,000; that said motion was never granted or denied, but on April 24, 1934 the court issued an order directing that the land be sold at public auction and that out of the proceeds of the sale the sum of P18,000 be paid to the plaintiff in addition to the legal expenses of the sale, and that the remainder to the amount of P2,212 be paid to the defendant.

It appears, however, from the order of Judge Leopoldo Rovira of January 24, 1934 that the plaintiff informed the court that he elected to compel the defendant to pay him the value of the land, and that the defendant appeared in court and stated that he did not have any money; that the court then granted the "plaintiff thirty days in which to pay the defendant the sum of P2,212, and ordered that if said payment was not made the land should be sold at public auction for the payment of said sum to the defendant, the balance after deducting the expenses of the sale

to be delivered to the plaintiff.

On March 16, 1934 Judge Rovira modified his order of January 24th, and ordered that from the proceeds of the sale the plaintiff should be paid for the land at the rate of P200 a hectare, and that the balance, if any, should be delivered to the defendant.

On April 24, 1934 Judge Sixto de la Costa issued an order for the sale of the land at public auction in order that the plaintiff might be paid from the proceeds the sum of P18,000 and the legal expenses of the sale, and that from the balance, if any, P2,212 should be paid to the defendant. This is the order complained of.

The decision of the lower court was based on article 361 of the Civil Code, which reads as follows:

"Any owner of land 'on which anything has been built, sown, or planted, in good faith, shall be entitled to appropriate the thing so built, sown, or planted, upon paying the compensation mentioned in articles 453 and 454, or to compel the person who has built or planted to pay him the value of the land or, to require the person who sowed thereon to pay the proper rent therefor."

The contention of the petitioner is that in issuing the order of April 24, 1934 the court exceeded its jurisdiction because it constituted an amendment to a final judgment of said court, which had been affirmed by this court.

It is true that in the decision in question it was provided that in case the plaintiff elected to compel the defendant to pay him the value of the land, the payment should be made within the period agreed upon by the parties or that it would be fixed by the court; but, according to the petitioner, he asked for a period of fifteen years in which to pay the owner of the land the value thereof; and when he appeared in court he informed the court that he had no money with which to pay for the land. Under those circumstances, it would have been futile for the court to grant the defendant a reasonable period of thirty or sixty days in which to pay the plaintiff the sum of P18,000, and if there was any irregularity in the court's ordering the sale of the property at public auction under the conditions stated in the orders of March 16, 1934 and April 24, 1934, it was not prejudicial but favorable to the petitioner, because his only right was to purchase the land for the sum of P18,000.

Furthermore the petitioner could have appealed from the order in question, and his right to appeal was an adequate remedy.

For the foregoing reasons, the petition is denied, with the costs against the petitioner.

Abad Santos, Hull, Butte, and Diaz, JJ., concur.

Petition denied.

[1] Santo Domingo Bernardo vs: Bataclan, December 2, 1933, 59 Phil., 903.

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.