

IRENEO ABAD SANTOS AND JOSE V. ABAD SANTOS, PETITIONERS, VS. THE PROVINCE OF TARLAC, THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES, AND DIEGO LOCSIN, JUDGE OF FIRST INST...*G.R. No. 46330. April 22, 1939*

Ponente: MORAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46330/>**MORAN, J.:**

A petition for certiorari.

In an action instituted by the Province of Tarlac for the condemnation of certain parcels of land for the construction of the Capas-Murcia Diversion road, a compromise was entered into between said province and the petitioners herein for the payment to the latter of the agreed value of their lands. The respondent judge approved the compromise in a partial decision rendered by him on September 27, 1937, and ordered the parties to comply with the conditions therein set forth. On October 2, 1937, the provincial fiscal, in behalf of the Province of Tarlac, moved for the reconsideration of the decision on the ground that in giving his assent to the compromise, he acted under the mistaken belief that the prices fixed therein had been approved by the appraisal committee of the provincial government, composed of the provincial treasurer, district engineer and provincial auditor, and that the Province of Tarlac, at the time of the compromise, had no longer any authority to expropriate the lands, because in virtue of Executive Order No. 71, the Capas-Murcia Diversion road was declared a national highway under the authority of the Commonwealth of the Philippines. The respondent judge acceded to this motion and, setting aside its decision, ordered the reopening of the case and authorized the substitution of the Commonwealth of the Philippines for the Province of Tarlac as party plaintiff, in accordance with the petition of the Solicitor-General to that effect. Hence, this petition.

Petitioners contend that the respondent judge was without power to set aside his partial decision which was founded upon a compromise duly approved by him. It is not claimed that the judgment in question has become final. In fact, it cannot be so claimed because the fiscal's motion for reconsideration thereof was presented five days after its rendition. Not having become finally the lower court has plenary control over it and can modify or set it aside as law and justice require. (*Arnedo vs. Llorente and Liongson*, 18 Phil, 257; *De Fiesta vs. Llorente and Manila Railroad Co.*, 25 Phil., 554, 561.) And the fact that the decision was rendered upon a compromise, gives it no greater validity than if it had been rendered after a trial. It stands on the same footing as that of an ordinary judgment which may be opened or vacated on adequate grounds, such as fraud, mistake or absence of real consent. (15 R. C. L., 645, 646; sec. 113, Act No. 190; *Yboleon vs. Sison*, 59 Phil., 281.)

Whether or not the grounds alleged by the provincial fiscal in his motion for reconsideration seeking relief from the effects of the compromise and from the judgment rendered thereon are or are not sufficient, is not a question of jurisdiction but one of judgment which we do not decide here. No abuse of discretion is shown by the petitioners, and by abuse of discretion we mean such capricious and whimsical exercise of judgment as is

equivalent to lack of jurisdiction.

Petition is denied, with costs against the petitioners.

Avanceña, C. J., Villa-Red, Imperial, Diaz, Laurel, and Concepcion, 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.