BATAS.ORG · PHILIPPINE LAW LIBRARY

MACARIO OMANA ET AL., PLAINTIFFS, VS. FIDEL GATULAYAO ET AL., DEFENDANTS. VICTORIO JAVIER ET AL., MOVANTS-APPELLANTS, VS. MACARIO OMAKA, ET AL., RESPONDENTS-APPELLEES.

G.R. No. 47969. July 22, 1941

Ponente: MORAN, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-47969/

MORAN, J.:

In a reivindicatory action instituted by plaintiffs Macario Omana and others against Fidel Gatulayao, Dominga Reyos, Victorio Mejia and Mariano Cruz, said plaintiffs were declared owners of a parcel of land situated in the barrio of Santolan, Pasig, Rizal, and the judgment to this effect was, on appeal, affirmed by this court. On September 24, 1931, the provincial sheriff of Rizal sought to enforce the writ of possession issued irf favor of the plaintiffs but found the land in the actual possession of the appellants here, Victorio Javier and others, who claimed ownership thereof in common with the other inhabitants of the barrios of Rosario and Maybunga, Rizal. On September 29, 1931, plaintiffs filed a petition ex parte praying that the provincial sheriff be provided with constabulary soldiers to effect the forcible ejectment of Javier and his companions from the land in question, alleging, in support of this petition, that said Javier and others were merely hired by the defendants to prevent plaintiffs from obtaining the possession of the land. The court below granted this petition. Ejected, Javier and others filed on October 12, 1931, a motion praying that the provincial sheriff and the plaintiffs be ordered to return to them the possession of the land. This motion was acceded to by the trial court, through Judge Mapa, in its order of December 15, 1931. Plaintiffs whereupon filed a motion for reconsideration of this order, and as an alternative remedy prayed that in case of denial of the motion for reconsideration, the parties be ordered to adduce evidence on the matter of the possession and the identity of the land. The lower court, without setting aside its order of December 15, 1931, directed the parties to present evidence on the character of their possession. Movants Javier and others, pursuant to this order, presented their evidence. Finally, on July 8, 1938, upon petition of the movants, the then presiding Judge De la Costa set the date for the presentation of respondents' evidence on August 9th. On said date, the parties appeared and the presiding judge, now Judge Leopoldo Rovira, was apprised of the antecedents of the case. On August 4, 1938, an order was issued by the said judge quashing the motion presented by Javier and his companions and annulling all the proceedings which were taken in relation thereto, with reservation to them to file a separate independent action for the vindication of their claims. This order is now sought to be reviewed in this appeal.

It is not disputed that movants-appellants were never made parties to the proceeding wherein Omafia and others were adjudged owners of the land in question nor do they sustain any relation of privity with said parties, or any of them. They cannot, therefore, be bound by the judgment rendered therein in favor of said plaintiffs, and the enforcement of said judgment against them is in excess of jurisdiction. Judgment rendered in actions in personam, as in the instant case, are enforcible only between the parties and their successors in interest, but not against strangers thereto. (Sec. 306, par. 2, of Act No. 190, now Rule 39, sec. 44 [6], Rules of Court.) There may be cases

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

when the actual possessor may be claimed to be a privy to any of the parties to the action, or his bona-fide possession may be disputed, or where it is alleged, as in the instant case, that such possession has been taken in connivance with the defeated litigant with a view to frustrating the judgment. In any of these events, the proper procedure would be to order a hearing on the matter of such possession and to deny or accede to the enforcement of a writ of possession as the finding shall warrant. But in the absence of any such hearing or any proceeding of similar character, every person in the actual possession of the land has a right to be respected therein (art. 446, Civil Code) and his ejectment would constitute a deprivation of a property right without due process of law.

Order is reversed and the case remanded to the lower court for further reception of evidence as to whether movants-appellants are or are not privies to any of the parties to the action, with costs against appellees.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ. concur.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.