

THE GOVERNMENT OF THE PHILIPPINES, PETITIONER; MACAHIO ABANICO ET AL., CLAIMANTS; AUHELIA ALTEA, CLAIMANT AND APPELLEE, VS. HAW PIA AND VALERIANO NIALA CLAIMANTS AND VALERIANO N...*G.R. No. 48209. July 27, 1943*

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-48209/>**OZAETA, J.:**

This is a sequel to C. A.—G. R. No. 5352, decided by the Court of Appeals on August 31, 1940, in favor of the herein appellee Aurelia Altea and against the herein appellant Haw Pai. The undisputed facts are briefly these:

In cadastral case No. 63 of the Court of First Instance of Tayabas, the court rendered a decision on December 8 1937, adjudicating lot 8610 to Haw Pia upon the latter's claim that she had bought it from the original owner Valeriano Niala with the right of repurchase and that the title thereto had been consolidated in her. Final decree and the corresponding certificate of title were issued in favor of the claimant.

Within one year thereafter, Aurelia Altea filed two petitions coetaneously: one to review the decree on the ground of fraud, and another to order Haw Pia to execute a deed of resale of the lot in question in favor of Aurelia Altea upon payment of P490. Aurelia Altea alleged that on August 2, 1932, Valeriano Niala sold the lot in question to Haw Pia for P490, with the right to repurchase it for the same price at any time he wanted to; that on May 29, 1937, Aurelia Altea acquired all the right, title, and interest of Valeriano Niala in and to said lot at a sheriff's sale made pursuant to a writ of execution issued in civil case No. 1225 of the justice of the peace court of Atimonao Niala; and that after one year, that is to say, on June 10, 1938, the sheriff executed a final deed of sale of said lot in her favor; that Haw Pia and Valeriano Niala connived together to secure the decree of registration in favor of the former and in fraud of the petitioner Altea; that the fraud consisted in intentionally omitting the name of the petitioner in the claim of Haw Pia although the latter knew that said petitioner had a real right to, and interest in, said lot for having purchased the same at public auction, and that Niala, conniving with Haw Pia to defeat the effect of the execution levied against him in civil case No. 1225 of the justice of the peace court of Atimonan, pretended to have no right to repurchase said lot and intentionally defaulted to favor Haw Pia and to prejudice the petitioner.

Haw Pia opposed the petition of Altea, alleging that she is the absolute owner of the lot in question, her title thereto having been consolidated in her after the lapse of four years from August 2, 1932, in accordance with the first paragraph of article 1508 of the Civil Code; and that the petitioner Aurelia Altea had no right to, or interest whatsoever in, said lot.

Upon the issue thus joined, the court heard the petition, and thereafter granted the revision of the decree and title issued on lot 8610, setting aside the order of general default as against the claimant Aurelia Altea, and authorized the latter to file her answer or claim over said lot.

From that order Haw Pia appealed to the Court of Appeals (G. R. No. 5352). Said court held that the period of redemption under the pacto de retro sale relied upon by Haw Pia was ten years in accordance with the second paragraph of article 1508 of the Civil Code and not four years as contended by Haw Pia. It also sustained the finding of the trial court to the effect that the decree of registration in favor of Haw Pia was reviewable on the ground of fraud for failure of Haw Pia to allege in her petition for registration that the lot in question was subject to the right of repurchase of Valeriano Niala and that Aurelia Altea had acquired that right by purchase at public auction. Consequently the order of the trial court was affirmed.

After the case was remanded to the court of origin for the revision of the decree upon presentation of Aurelia Altea's answer and proofs, counsel for Haw Pia asked leave of the court to file an amended answer in which he alleged as a new matter that on April 23, 1937, Haw Pia paid Valeriano Niala the additional sum of P855 by way of amplification of the price of the lot in question, so she claimed that the redemption price that Aurelia Altea should pay to her is P1,345 instead of P490. The lower court sustained Altea's objection to the admission of said amended answer and held that the Court of Appeals having sustained Altea's right to repurchase the lot in question for the same price alleged by Haw Pia, that is to say, P490, Haw Pia was estopped from now alleging that the price was P1,345 and not P490. Counsel for Haw Pia then sought to reamend her amended answer by further alleging that Aurelia Altea cannot have any right over the lot in question because the public auction sale at which she alleged to have purchased it "is illegal and void, it not having been done in accordance with law." That reamended answer was also rejected by the trial court, which held that such allegation should also have been made during the hearing of the previous incident and that, moreover, it was Valeriano Niala and not Haw Pia who could validly question the legality of the auction sale. Thereupon Valeriano Niala, through the same counsel of Haw Pia, for the first time appeared in this proceeding and sought to file an answer supporting the allegation of Haw Pia as to the alleged amplification of the purchase price and as to the supposed illegality of the sheriff's sale. The trial court also rejected Niala's answer, holding that the order of general default not having been lifted as to him, he had no right to intervene and that the present proceeding is not the one appropriate for him in which to impugn the legality of the sheriff's sale. After hearing the case upon the answer of Aurelia Altea, the court on January 13, 1941, entered an order in which it maintained that Altea had the right to repurchase the lot in question for P490 within ten years from August 2, 1932, as found by the Court of Appeals, that is to say, until August 2, 1942,[1] and directed the register of deeds of Tayabas to annotate said right as an incumbrance on the certificate of title issued in favor of Haw Pia, thereby modifying the decision and decree issued in said case with respect to said lot. From said order Haw Pia and Valeriano Niala appealed to this Court.

The question raised here is one of procedure; namely, whether or not at that stage of the case it was permissible for the claimant Haw Pia to allege new facts which she could and should have alleged in her opposition to Aurelia Altea's petition for review of the decree.

With particular reference to the admissibility of the additional claim of P855, counsel for the appellants says it was not presented at the beginning of the incident, to quote his own words: "because appellant Haw Pia claimed in good faith that the redemption period should be four years while appellee Altea maintained the ten-year period." In other words, because said claim was contrary to appellant's theory and in favor of appellee's with regard to the period of redemption. Appellants now contend that the real fact is that Valeriano Niala executed two documents in favor of Haw Pia: one was a duly recorded public instrument dated August 2, 1932, whereby Niala sold to Haw Pia the lot in question for P490 with the right on his part to repurchase it at the same price at any time; and the other was a private document dated April 23, 1937, whereby Niala acknowledged to have received from Haw Pia the additional sum of P855 by way of loan secured by lots 8610 and 8644 which were then in the possession of Niala under the pacto de retro sale dated August 2, 1932, with the stipulation that "as long as I have not paid this sum of P855, I can not repurchase the said lots from her." (Exhibit 1.) Haw Pia's position is that the

last-mentioned private document existed at the time she filed her original claim in this cadastral case but that she made no mention thereof either in her original claim or in her opposition to the petition for review of the decree because it would have belied her theory that the period of redemption expired four years from August 2, 1932, and that consequently the title to the lot in question became consolidated in her after August 2, 1936, and now, since that theory did not prosper and the court held that Aurelia Altea may, in subrogation of Valeriano Niala, redeem the property within ten years, that is to say, up to August 2, 1942, it is to her (Haw Pia's) interest, and she claims the right, to reveal the whole transaction and claim from Altea the full amount she (Haw Pia) alleges to have paid to Valeriano Niala.

We think the trial court was correct in holding that appellant Haw Pia was estopped from setting up the additional claim. She obtained the decree of registration upon her sworn allegation that her title to the land in question had been consolidated in her in accordance with the pacto de retro sale of August 2, 1932. If that sale had been modified by the execution of a subsequent document on April 23, 1937, as she now claims, she would not have been entitled to said decree. When appellee asked for revision of the decree on the theory that under the original deed of August 2, 1932, she as subrogee of Niala had the right to redeem the land until August 2, 1942, Haw Pia, instead of recognizing that right and claiming the additional sum, purposely kept the matter up her sleeves in order to maintain her original position regarding the consolidation of the title. Thus the question of whether or not Aurelia Altea was entitled to ask for the review of the decree of registration was submitted to the court upon the premise laid by Haw Pia herself that the contract—and the only contract—between her and her vendor was that of August 2, 1932. Under that contract she contended that the right to redeem expired on August 2, 1936, whereas the appellee contended that the date of expiration was August 2, 1942. To permit appellant Haw Pia now to change or falsify that premise after the question thus submitted had been finally decided, would be to allow a litigant to trifle with the court. Litigants and lawyers must never forget that they owe complete candor to the court under any and all circumstances, and that dereliction of such duty brings with it unfavorable consequences. [1]

With reference to the allegation that the sheriff's sale in favor of appellee was null and void for alleged lack of publication, we think the trial court was also right in holding that it should have been made in appellant Haw Pia's opposition to the petition for review. It was material to the issue, and her failure to allege it then estops her from alleging it now after that issue has been finally decided. Indeed, she made the general and vague allegation that appellee had no right to, or interest whatsoever in, the land in question, but failed to prove it. She cannot be heard over again upon that issue. (See *Peñalosa vs. Tuason*, 22 Phil., 303.)

Neither did the trial court err in refusing to admit the belated claim of appellant Valeriano Niala, making a common cause with Haw Pia, on the grounds that the order of general default had not been lifted as to him, and that the right of the appellee to redeem the land in question in subrogation of said appellant had been adjudicated by the Court of Appeals. Insofar as he pretends to redeem the land for himself, suffice it to say that the decree of registration bars such pretension, and he has never filed a petition for review in accordance with law. We may add that the eleventh-hour appearance of Niala thru the same counsel of Haw Pia has the earmarks of mere willingness on his part to lend his moral support to her desperate cause.

The order appealed from is affirmed, with costs against the appellants.

Yulo, C.J., Moran, Paras, and Bocobo JJ., concur.

[1] Before October 31, 1940, appellee deposited P490 with the clerk of the court below. (See Exhibit c.)

[1] In justice to the present counsel for appellants we note that he did not intervene in the previous incident.

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.