

**PURIFICACION ALARCON AND ROSAURO ALARCON, PETITIONERS,
VS. HONORABLE ABDULWAHID BIDIN, DISTRICT JUDGE, COURT OF
FIRST INSTANCE, BRANCH I, ZAMBOANGA CITY, AND FLORENTINO
SERGAS, ...**

G.R. No. 51791. January 28, 1983

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-51791/>

MELENCIO-HERRERA, J.:

Petitioners seek a review of the Orders of respondent Judge dismissing their Complaint in Civil Case No. 2116 on the ground of laches, and denying reconsideration.

The records disclose that Civil Case No. 2116 is an action for "Recovery of Possession of Real Property with Damages". The property involved is Lot 3178 of the Zamboangas cadastre, with an area of 74,638 square meters, more or less, situated in Malugatay, Zamboanga, covered by Original Certificate of Title No. T-13, 125 (0-9493) of the Register of Deeds of Zamboanga, in the names of (1) Roberto Alarcon, married to Basilia Timpanco, and (2) Guillerma Trinidad, wife of Mariano Daquel, in undivided shares. Roberto Alarcon is the father of petitioners-plaintiffs.

In 1923, Roberto Alarcon leased the disputed property to Esteban Sergas, predecessor-in-interest of private respondents surnamed Sergas, which lease was duly recorded on OCT No. T-13,125 (0-9493).

On January 5, 1926, Roberto Alarcon sold a portion of his undivided share in the property to Esteban Sergas.[1] The date of the instrument of sale was entered on the title as January 5, 1926, and the date of inscription as May 3, 1963. The name of the vendor in the text of the "Escritura de Venta" was "Roberto Alarcon", but the typewritten name at the bottom of the document, above which appears a thumbmark, reads "Alberto Alarcon".

Also entered on the title was a "Cancellation of Lease" with the identical dates of "Jan. 5, 1926" as the date of the document, and "May 3, 1963" as the date of inscription.[2]

On July 9, 1928, Roberto Alarcon sold another portion of his share of the land to Adela Alvarez, who, in turn, sold it, on November 29, 1954, to Domingo Rojas Francisco, one of the private respondents.

Denying the genuineness of the "Escritura de Venta" under oath, and alleging that the thumbmark in the Deed of Sale in favor of Esteban Sergas is not Roberto Alarcon's nor is he "Alberto" Alarcon, and that the document in favor of Adela Alvarez was neither signed by Roberto, petitioners, as plaintiffs, filed suit for recovery of what they allege is their portion of cadastral lot 3178 on October 23, 1978.

Private respondents, defendants below, moved to dismiss the complaint on the ground that the action is barred by the statute of limitations and that petitioners are guilty of laches. Petitioners opposed on the ground that no prescription can lie against their father's recorded title.

On May 23, 1979, respondent Judge dismissed the complaint "for the reason that (it) is barred by laches", and, on

August 27, 1979, he denied reconsideration of the dismissal Order.

It is these two Orders that petitioners now assail.

Upon the facts, and the evidence on record, we sustain the Orders of respondent Judge.

Petitioners' allegation that their deceased father, Roberto Alarcon, never sold the land in litigation is refuted by the "Escrituras de Venta" which he had executed, one in favor of Esteban Sergas, and the other in favor of Adela Alvarez. The denial by petitioners of the genuineness of the deeds is overcome by the fact that from the date of sale in favor of Esteban Sergas in 1926, the latter had taken possession of the property and has been in adverse possession under claim of ownership ever since, followed by his successors-in-interest, the private respondents surnamed Sergas. Similarly, the other vendee, Adela Alvarez, also took possession from the date of sale in her favor in 1928 until she sold her portion in 1954 to private respondent Domingo Rojas Francisco, who has also been in uninterrupted possession since said date. Noteworthy also is the fact that from the dates of the sales in 1926 and 1928, respectively, up to the time of his death in 1960, or approximately at least 32, and at the most 34 years, the vendor Roberto Alarcon took no steps to rescind the sales nor reivindicar the property. And as far as petitioners are concerned, more than 50 years had elapsed since the execution of the deeds of sale in 1926 and 1928 and the date they instituted suit for recovery of possession in 1978. Clearly, their passivity and inaction and, before them, that of their father, constituted laches. As held by respondent Judge, their cause of action must be considered barred for it has been converted into a stale demand.^[3] And, although, as petitioners claim, the defense of laches is not a ground for a motion to dismiss there would be no point to continue litigating this case in view of the finding that petitioners are guilty thereof.

True, land registered under the Torrens System may not be acquired by prescription or adverse possession, as petitioners correctly contend. The protection given by law is in favor of registered owners. As it is, although title to the disputed property is still in the name of Roberto Alarcon, it has been subjected to the registration in 1963 of the sale made by him to Esteban Sergas. Technically, therefore, the latter became the owner in 1963 of the portion of the land sold to him. It may also be stated that if petitioners' cause of action in seeking the nullification of the sales is predicated on fraud, the same has prescribed for not having been brought within four years from the inscription of the deed of sale in favor of Esteban Sergas in 1963.

At any rate, laches is invocable by both the Sergas and private respondent Domingo Rojas Francisco.

ACCORDINGLY, the due course Resolution is hereby recalled and the instant Petition is hereby denied for lack of merit.

SO ORDERED.

Teehankee (Chairman), Vasquez, Relova and Gutierrez, Jr., JJ., concur.
Plana, J., is on official leave.

[1] Annex "K", p. 42, Rollo.

[2] p. 45, Rollo.

[3] *Mejia de Lucas vs. Gamponia*, 100 Phil. 277, 281 (1956).

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.