

TOMAS AVERIA, JR., PETITIONER, VS. THE HONORABLE MILAGROS V. CAGUIOA, IN HER CAPACITY AS JUDGE OF THE REGIONAL TRIAL COURT; FOURTH JUDICIAL REGION, BRANCH LVII, LUCENA CITY, AND...

G.R. No. 65129. December 29, 1986

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-65129/>

CRUZ, J.:

We gave due course to this petition against a decision of the Court of First Instance of Lucena City,[1] which is questioned on a pure question of law, more specifically whether or not the court has jurisdiction to order the registration of a deed of sale which is opposed on the ground of an antecedent contract to sell.

The oppositor, petitioner herein, refused to participate in the hearing of the registration proceedings below, claiming the respondent court, acting as a cadastral court, had no competence to act upon the said case under Section 112 of Act 496, otherwise known as the "Land Registration Act." The respondent court then held the hearing ex parte and later rendered a decision ordering the registration prayed for on the basis of the evidence presented by the private respondent herein.[2]

In his petition for certiorari and prohibition with preliminary injunction, it is argued that the lower court had no competence to act on the registration sought because of the absence of unanimity among the parties as required under Section 112 of the Land Registration Act.[3] The petitioner cites *Fojas v. Grey*,[4] where this Court, through Justice Serafin Cuevas, declared:

"The aforequoted provision of the Land Registration Act (Sec. 112) was relied upon by appellant Apolinar Fojas in petitioning the court a quo for the annotation of the Deed of Assignment. However, while he had the right to have the said Deed annotated in the owner's duplicate of TCT No. T-2376, the serious objection of Saturnina de Grey to the same raises a substantial controversy between the parties.

"In a long line of decisions dealing with proceedings under Section 112 of the Land Registration Act, it has been held that summary relief under Section 112 of Land Registration Act can only be granted if there is unanimity among the parties, or there is no adverse claim or serious objection on the part of any party in interest; otherwise, the case becomes contentious and controversial which should be threshed out in an ordinary action or in any case where the incident properly belongs."[5]

While this was a correct interpretation of the said provision, the same is, however, not applicable to the instant case. The reason is that this case arose in 1982, after the Land Registration Act had been superseded by the Property Registration Decree, which became effective on June 11, 1979.

In Section 2 of the said P.D. No. 1529, it is clearly provided that:

"SEC. 2. Nature of registration proceeding; jurisdiction of courts. - Judicial proceedings for the registration of lands throughout the Philippines shall be in rem and shall be based on the generally accepted principles

underlying the Torrens system.

"Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. The court through its clerk of court shall furnish the Land Registration Commission with two certified copies of all pleadings, exhibits, orders, and decisions filed or issued in applications or petitions for land registration, with the exception of stenographic notes, within five days from the filing or issuance thereof."

The above provision has eliminated the distinction between the general jurisdiction vested in the regional trial court and the limited jurisdiction conferred upon it by the former law when acting merely as a cadastral court. Aimed at avoiding multiplicity of suits, the change has simplified registration proceedings by conferring upon the regional trial courts the authority to act not only on applications for "original registration" but also "over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions."

Consequently, and specifically with reference to Section 112 of the Land Registration Act (now Section 108 of P.D. No. 1529), the court is no longer fettered by its former limited jurisdiction which enabled it to grant relief only in cases where there was "unanimity among the parties" or none of them raised any "adverse claim or serious objection." Under the amended law, the court is now authorized to hear and decide not only such non-controversial cases but even the contentious and substantial issues, such as the question at bar, which were beyond its competence before.

It appears that the respondent court proceeded to hear the case below notwithstanding the manifestation by the petitioner of his intention to elevate to this Court the question of jurisdiction he had raised.[6] The trial court should have given him the opportunity to do so in the interest of due process, pending a categorical ruling on the issue. As it happened, it arrived at its decision after considering only the evidence of the private respondent and without regard to the evidence of the petitioner.[7]

WHEREFORE, the decision of the respondent court dated September 23, 1983, is set aside. Let a new trial of Cadastral Case No. 1, GLRO Cad. Record No. 202, Lot No. 2810-B, Lucena Cadastre, M.C. No. 374-82, be held, at which the petitioner, as well as other interested parties, shall be given the opportunity to be heard. Our temporary restraining order of October 5, 1983, is hereby lifted except as to the registration of the questioned deed of sale which shall depend on the outcome of the said case.

SO ORDERED.

Yap, (Chairman), Narvasa, Melencio-Herrera, and Feliciano, JJ., concur.

[1] Rollo, pp. 3-9.

[2] Ibid., pp. 77-80.

[3] Id., p. 8.

[4] 132 SCRA 76.

[5] Rollo, pp. 157-158.

[6] Decision, pp. 2-8.

[7] Rollo, p. 151.

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.