

**MIGUEL ESCRITOR, JR., ANGEL ESCRITOR, RAMON ESCRITOR,
JUANA ESCRITOR, CONCORDIA ESCRITOR, IRENE ESCRITOR,
MATILDE ESCRITOR, MERCEDES ESCRITOR, HEIRS OF LUIS
ESCRITOR, REPRESENTE...**

G.R. No. 71283. November 12, 1987

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-71283/>

GANCAYCO, J.:

This is a petition for review on certiorari seeking the reversal of the decision of the Intermediate Appellate Court in AC-G.R. No. CV-01264-R entitled "Simeon Acuna vs. Miguel Escritor, Jr., et al.", a case which originated from the Court of First Instance of Quezon.

The record of the case discloses the following facts:

Lot No. 2749, located at Atimonan, Quezon, was the subject of cadastral proceedings in the Court of First Instance of Quezon, Gumaca Branch. Miguel Escritor, as claimant, filed an answer thereto declaring his ownership over the lot alleging that he acquired it by inheritance from his deceased father.[1] As required, a notice of hearing was duly published, after which an order of general default was entered.[2] The lot having become uncontested, only Miguel Escritor appeared in order to adduce his evidence of ownership.

On May 15, 1958, the Court rendered a decision in the above-mentioned case, Cadastral Case No. 72, adjudicating the lot with its improvements in favor of claimant Escritor and confirming his title thereto.[3] Immediately thereafter, Escritor took possession of the property. On July 15, 1958, the Court, in an Order, directed the Chief of the General Land Registration Office to issue the corresponding decree of registration in favor of Escritor, the decision in Cadastral Case No. 72 having become final.[4]

On August 2, 1958, Simeon S. Acuna, the herein respondent, filed a petition for review of the above-mentioned decision contending that it was obtained by claimant Escritor through fraud and misrepresentation.[5] The petition was granted on July 18, 1960 and a new hearing was set for September 13, 1960.[6] While the proceedings were going on, claimant Escritor died. His heirs, the petitioners in this case, took possession of the property.

On February 16, 1971 or thirteen years after the disputed decision was rendered, the Court adjudicated Lot No. 2749 in favor of respondent Acuna, ordering petitioners to vacate the land.[7] A writ of possession was later issued and petitioners voluntarily gave up their possession.[8]

More than four years later, or on October 13, 1975, respondent Acuna filed with the same Court in Civil Case No. 1138-G, a complaint for recovery of damages against petitioners for the fruits of Lot No. 2749 which was allegedly possessed by the latter unlawfully for thirteen years. According to respondent Acuna, the registration of the said lot was effectuated by the deceased claimant Escritor through fraud, malice, and misrepresentation. The lower court, however, rendered a decision dismissing Acuna's complaint for damages, finding that though petitioners enjoyed the fruits of the property, they were in good faith, possessing under a just title, and the cause

of action, if there was any, has already prescribed.[9]

On appeal to the Intermediate Appellate Court, the judgment of the lower court was reversed in a decision promulgated on October 31, 1984, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing considerations, the decision appealed from is hereby REVERSED and set aside and another one entered herein, ordering the defendants-appellees jointly and severally (a) to pay the plaintiff-appellant the sum of P10,725.00 representing the value of the fruits appellees received for the 13 years they have been in unlawful possession of the land subject-matter; (b) to pay plaintiff-appellant the sum of P3,000.00 for attorney's fees and expenses of litigation, and (c) to pay the costs."

Hence this petition.

The main issue that has to be resolved in this case is whether or not petitioners should be held liable for damages.

Contrary to the finding of the trial court, the Intermediate Appellate Court made the pronouncement that petitioners were possessors in bad faith from 1958 up to 1971 and should be held accountable for damages. This conclusion was based on the statement of the cadastral court in its August 21, 1971 decision, readjudicating Lot No. 2749 to respondent Simeon Acuna, that "Miguel Escritor forcibly took possession of the land in May, 1958, and benefited from the coconut trees thereon." [10] The Intermediate Appellate Court observed that on the basis of the unimpeached conclusion of the cadastral court, it must be that the petitioners have wrongfully entered possession of the land. [11] The Intermediate Appellate Court further explains that as such possessors in bad faith, petitioners must reimburse respondent Acuna for the fruits of the land they had received during their possession. [12]

We cannot affirm the position of the Intermediate Appellate Court. It should be remembered that in the first decision of the cadastral court dated May 15, 1958, Lot No. 2749 was adjudicated in favor of claimant Escritor, petitioners' predecessor-in-interest. In this decision, the said court found to its satisfaction that claimant Escritor acquired the land by inheritance from his father who in turn acquired it by purchase, and that his open, public, continuous, adverse, exclusive and notorious possession dated back to the Filipino-Spanish Revolution. [13] It must also be recalled that in its Order for the issuance of decrees dated July 15, 1958, the same Court declared that the above-mentioned decision had become final. Significantly, nowhere during the entire cadastral proceeding did anything come up to suggest that the land belonged to any person other than Escritor.

On the basis of the aforementioned favorable judgment which was rendered by a court of competent jurisdiction, Escritor honestly believed that he is the legal owner of the land. With this well-grounded belief of ownership, he continued in his possession of Lot No. 2749. This cannot be categorized as possession in bad faith.

As defined in the law, a possessor in bad faith is one in possession of property knowing that his title thereto is defective. [14] Here, there is no showing that Escritor knew of any flaw in his title.

Nor was it proved that petitioners were aware that the title of their predecessor had any defect.

Nevertheless, assuming that claimant Escritor was a possessor in bad faith, this should not prejudice his successors-in-interest, petitioners herein, as the rule is that only personal knowledge of the flaw in one's title or mode of acquisition can make him a possessor in bad faith, for bad faith is not transmissible from one person to another, not even to an heir. [15] As Article 534 of the Civil Code explicitly provides, "one who succeeds by hereditary title shall not suffer the consequences of the wrongful possession of the decedent, if it is not shown that he was aware of the flaws affecting it; x x x." The reason for this article is that bad faith is personal and intransmissible. Its effects must, therefore, be suffered only by the person who acted in bad faith; his heir should not be saddled with such consequences. [16]

Under Article 527 of the Civil Code, good faith is always presumed, and upon him who alleges bad faith on the part of a possessor rests the burden of proof. If no evidence is presented proving bad faith, like in this case, the presumption of good faith remains.

Respondent Acuna, on the other hand, bases his complaint for damages on the alleged fraud on the part of the petitioners' predecessor in having the land registered under his (the predecessor's) name. A review of the record, however, does not indicate the existence of any such fraud. It was not proven in the cadastral court nor was it shown in the trial court.

Lot No. 2749 was not awarded to Escritor on the basis of his machinations. What is clear is that in the hearing of January 22, 1958, the Court permitted Escritor to adduce his evidence of ownership without opposing evidence as the lot had become uncontested.[17] Respondent Acuna himself failed to appear in this hearing because of a misunderstanding with a lawyer.[18] There is no finding that such failure to appear was caused by petitioners in this case. On the contrary, all the requirements of publication were followed. Notice of hearing was duly published. Clearly then, the allegation of fraud is without basis.

Respondent having failed to prove fraud and bad faith on the part of petitioners, We sustain the trial court's finding that petitioners were possessors in good faith and should, therefore, not be held liable for damages.

With the above pronouncement, the issue of prescription of cause of action which was also presented need not be passed upon.

WHEREFORE, the petition is GRANTED and the decision appealed from is hereby REVERSED and SET ASIDE and another decision is rendered dismissing the complaint. No pronouncement as to costs.

SO ORDERED.

Teehankee, C.J., Narvasa, Cruz, and Paras, JJ., concur.

[1] Exhibit "A", Cadastral Answer.

[2] Exhibit "B", Decision in Cadastral Case No. 72 dated May 15, 1958.

[3] Ibid.

[4] Exhibit "C", Order for the Issuance of Decrees in cadastral cases.

[5] Exhibit "D", Petition.

[6] Exhibit "E", Order in Cadastral Case No. 72.

[7] Exhibit "F", Decision in Cadastral Case No. 72.

[8] Exhibit "H", Writ of Possession.

[9] Page 11, Record on Appeal.

[10] Page 26, Rollo.

[11] Pages 26-27, Rollo.

[12] Page 27, Rollo.

[13] Exhibit "B", Decision in Cadastral Case No. 72 dated May 15, 1958.

[14] Art. 526, New Civil Code.

[15] Tolentino, Civil Code of the Philippines, Vol. II, 1983 Ed., p. 223; Sotto vs. Enage, (CA) 43 Off. Gaz. 5057.

[16] Tolentino, Civil Code of the Philippines, Vol. II, 1983 Ed., p. 234.

[17] Exhibit “B”, Decision in Cadastral Case No. 72 dated May 15, 1958.

[18] Exhibit “E”, Order dated July 18, 1960, Cadastral Case No. 72.

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.