

HEIRS OF JOHN Z. SYCIP NAMELY NATIVIDAD D. SYCIP, JOSE SYCIP, JOHN SYCIP, JR., ALFONSO SYCIP II, ROSE MARIE NATIVIDAD D. SYCIP, PETITIONERS, VS. COURT OF APPEALS, MELENCIO YU AN...

G.R. No. 76487. November 09, 1990

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-76487/>

PARAS, J.:

This is a petition for review on certiorari seeking the reversal of the September 22, 1986 decision* of the Court of Appeals in CA- G.R. No. 69000 entitled "Melencio Yu, et al. v. Heirs of John Z. Sycip" affirming the decision** of the Court of First Instance of South Cotabato, Branch I dated April 22, 1982 in Civil Case No. 1291 which, among others, adjudged private respondents Melencio Yu and Talinanap Matualaga as the registered absolute owners of Lot No. 4 and ordered the petitioner to deliver to the private respondents the property in question and to pay the attorney's fees.

The decretal portion of the appealed decision reads as follows:

"WHEREFORE, no reversible error in the decision appealed from, the same is hereby affirmed with costs againsts defendant?appellants.

SO ORDERED." (p. 50, Rollo)

The antecedent facts of the case as found by the appellate court are as follows:

"The plaintiffs-spouses are native muslims. Prior to 1952, Talinanap Matualaga bought a parcel of land with an area of 54,4980 hectares, more or less, situated at Makar, General Santos City (using the money given to her by her parents) from vendors Cosin Bentaib and Hadji Abdaa Mohamad. The land was, however, surveyed in the name of Bangon Yu (father of plaintiff Melencio Yu) on June 14 to 16, 1952 by private surveyor Justino Mendoza which was approved by the Director of Lands on March 4, 1953. On September 11 to 12, 1953, the land was sub-divided into five (5) lots in another survey conducted and executed by Justino Mendoza, and approved by the Director of Lands on July 1, 1954. The subdivision was as follows: Lot No. 1 for Bengon Yu; Lot No. 2 for Melencio Yu; Lot No 3 for Dominga Pinag-awang; Lot No. 4 for Talinanap Matualaga and Lot No. 5 for Ison Yu (the brother of plaintiff Melencio Yu). (Exh. "A")

"Melencio Yu, together with his wife, Talinanap Matualaga filed on December 21, their respective Free Patent Application for both Lot Nos. 4 and 2. On April 18, 1961, the approval of the Director of Lands of the Free Patent Application, Free Patent No. V--178889 was issued on June 22, 1961 by authority of the President of the Philippines (Exh. "A"). Upon transmittal to the Register of Deeds on July 17, 1961, the latter issued to Melencio Yu, married to Talinanap Matualaga, Original Certificate of Title No. (C-14496) (P-523) on August 23, 1961 (Exh. "B"), "B-1" and "BB"). The owner's copy of said title, however, was not received by the patentee Melencio Yu because the same was given to defendant John Z. Sycip (now deceased).

"In 1958, on account of jealousy, Talinanap Matualaga left her husband at Tocanabago, General Santos, South Cotabato, where they had a house in the land in question since their marriage and lived with her parents at

Baluan, Cotabato. For the same period, Melencio Yu lived in Tupi, South Cotabato. They reconciled, however, in 1963 and since then lived together in Buluan.

"Upon their reconciliation, however, Melencio Yu asked his wife if a certain Alfonso Non had approached her regarding the sale of their land to John Sycip. Talinanap Matualaga answered in the negative and further said that she never executed any instrument conveying her property to anyone. Melencio Yu then explained that while they were separated, Alfonso Non approached him and told him that there was a buyer interested in their land at a price of P200.00 per hectare. Melencio told Non that the land belonged to his wife as her paraphernal property, hence, he did not have authority to sell the same. Alfonso Non, however, convinced Melencio that if he would only sign the documents which Non had prepared then Non will secure the signature of Talinanap in Buluan, and if Non fails to get Talinanap's signature, then Melencio's signature will be null and void. With such understanding, Melencio signed the "Agreement of Transfer of Rights and Deed of Sale" (Exh. "B") and the "Quitclaim Deed" (Exh. "D"), without receiving any consideration therefore. It turned out that the deeds involved the sale at the whole parcel of land consisting of more than 54 hectares in favor of John Sycip for a consideration of P9,500.00.

"By reason of these information, the spouses sought the assistance of the Commission on National Integration of Southern Mindanao office which informed them that their original certificate of titles were taken and delivered to John Sycip by virtue of the sale documents in question.

"Plaintiffs demanded the return of their land to them and the declaration of nullity of the documents in question." (pp. 45-46, Rollo)

On December 6, 1986 private respondents filed a complaint against John Z. Sycip (later substituted by his heirs upon his death) petitioners herein, before the trial court, docketed as Civil Case No. 969 for the Declaration of Nullity of Document and Recovery of Possession of Real Property with a prayer for a writ of Preliminary Mandatory Injunction and Damages, with Lot No. 4 Psu 135740-Amd, as the subject matter which was adjacent to Lot No. 2 Psu-135740-Amd. (Rollo, p. 149) On March 2, 1971 the trial court upheld the right of the private respondents to be restored to the possession of the aforesaid parcel of land by declaring null and void ab initio or inexistent all documents of conveyance of sale by the petitioners. On appeal, the appellate court in its decision dated October 2, 1978 affirmed in toto the decision of the trial court. Said decision became final and executory and the private respondents were restored to the possession of Lot No. 4 Psu-135740-Amd by virtue of the writ of execution issued by the trial court. (Rollo, p. 150)

Meanwhile, on May 2, 1972, private respondents filed another complaint in the Court of First Instance of Cotabato Branch I for the Declaration of Nullity of Documents and Recovery of Possession of Real Property with a prayer for a Writ of Preliminary Mandatory Injunction and Damages docketed as Civil Case No. 1291, this time it was Lot No. 2 Psu-135740-Amd as the subject matter of the aforesaid case.

On June 21, 1973, the trial court issued its order dismissing the case on the ground of prescription (Rollo, p. 95). It was on July 18, 1973 that private respondents filed their urgent motion for reconsideration to set aside the order dated June 21, 1973 which was denied on October 1, 1973 (Rollo, p. 146).

On appeal, the Court of Appeals, Special Eighth Division, rendered its decision in favor of private respondents thereby setting aside the order of dismissal of the trial court dated June 21, 1973 and remanding the case for further proceedings (Rollo, p. 147).

On April 22, 1981, the trial court in its order adopted the evidence presented in Civil Case No. 969 both oral and documentary and reversed its Order dated June 21, 1973 dismissing the complaint and declared private respondent as the registered and absolute owners of the land in question. (Rollo, p. 147; Record on Appeal p. 71)

Petitioners' motion for reconsideration was denied by the trial court on June 5, 1981. (Rollo, p. 96)

Hence, this petition for review before Us.

The pivotal issue of this case is whether or not the sale of lot no. 2 Psu-135740-Amd is null and void ab initio.

The petition is devoid of merit.

It is not disputed that the private respondents are Muslims who belong to the cultural minority or non-Christian Filipinos as members of the Maguindanao Tribe. Any transaction, involving real property with them is governed by the provisions of Sections 145 and 146 of the Revised Administrative Code of Mindanao and Sulu, Section 120 of the Public Land Act (Commonwealth Act No. 141), as amended, and Republic Act No. 3872, further amending the Public Land Act.

Section 145 of the Revised Administrative Code of Mindanao and Sulu provides that any transaction involving real property with said non-Christian tribes shall bear the approval of the provincial governor wherein the same was executed or of his representative duly authorized in writing for such purpose, indorsed upon it. Section 146 of the same code considers every contract or agreement made in violation of Section 145 as null and void. (Underscoring supplied)

Section 120 of the Public Land Act (Commonwealth Act No. 141) provides that conveyances and encumbrances made by persons belonging to the so-called "non Christian tribe" shall be valid if the person making the conveyance or encumbrance is able to read and can understand the language in which the instrument of conveyance or encumbrance is written. Conveyances and encumbrances made by illiterate non-Christians shall not be valid unless duly approved by the Commissioner of Mindanao and Sulu.

Republic Act No. 3872 provides that conveyances and encumbrances made by illiterate non-Christian or literate non-Christians where the instrument of conveyance or encumbrance is in a language not understood by said literate non-Christians shall not be valid unless duly approved by the Chairman of the Commission on National Integration.

All the documents declared null and void or inexistent by the trial court and affirmed by the Court of Appeals were found to have been falsified in Civil Case No. 969; without consideration and more importantly without approval by any of the following officials: the Provincial Governor of Cotabato, Commissioner of Mindanao and Sulu, or the Chairman of the Commission on National Integration and therefore null and void.

With the resolution of this issue there appears to be no necessity to dwell on the other issues of this case.

PREMISES CONSIDERED, the petition is hereby DISMISSED and the decision of the Court of Appeals is hereby AFFIRMED.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento and Regalado, JJ., concur.

* Penned by Associate Justice Jose C. Campos, Jr., and concurred in by Associate Justices Reynato S. Puno and Venancio D. Aldecoa, Jr.

** Penned by Judge Pedro Samson C. Animas

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.