

PETRONILA MARQUEZ, PLAINTIFF AND APPELLEE, VS. FLORENTINA SACAY, DEFENDANT AND APPELLANT.

G.R. No. 8271. February 26, 1916

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8271/>

JOHNSON, J.:

On the 13th of September, 1911, the defendant-appellant presented a motion in the Court of Land Registration to have a decree of registration theretofore issued under the Torrens system set aside, upon the ground that it had been obtained by fraud. The motion was based upon section 38 of Act No. 496. Said motion was denied after hearing by the court a quo, on the 21st of October, 1911.

On the 28th of December, 1911, the defendant presented another motion, after having appealed from the decision of the court upon the first motion, asking that said decree of registration be reopened. This motion was based upon the provisions of section 110 of Act No. 496. Said second motion was also denied upon the 4th of January, 1912. From the ruling of the court a quo upon said motion, the defendant-appellant appealed to this court and assigned as errors the following:

"1. That the auxiliary judge of the Court of Land Registration, the Honorable Pedro Concepcion, erred in holding that Antonio Canlapan, to whom the composition title was issued, is in no wise identified as Antonio Canlapan the ascendant of the minor Felicidad Garcia, by whom the land was conveyed that is the subject of case No. 6835.

"2. That said judge erred in holding that fraud was not proven, as the right of succession of Felicidad Garcia to Antonio Canlapan had not been proven; and that Basilio Garcia and Tomasa Canlapan had died.

"3. That he likewise erred in denying appellant's motion for the inclusion of her right in the registration of the land as an adverse claimant, on account of the opposition of Paulina A. Policarpio.

"4. That he also erred in overruling the motion for a rehearing."

Before discussing the said alleged errors, it may be well to state the facts which gave origin to said motion. The facts are as follows

- On the 28th of October, 1910, the said Petronila Marquez presented a petition in the Court of Land Registration, for the purpose of having registered, under the Torrens system, a certain parcel of land particularly described in paragraph 1 of said petition.

- Petronila Marquez alleged in her petition that she had obtained said parcel of land by purchase from Gregoria Canlapan, Cecilia Canlapan, Juliana Canlapan, Basilia Canlapan, Geronimo Canlapan, and Carlos Canlapan; that said persons, her said vendors, had obtained title to said land by inheritance from their deceased father, Don Antonio Canlapan.

- That by Exhibit A presented by the petitioner, it appears that the said Don Antonio Canlapan had obtained said parcel of land "por composicion con el estado," on the 19th of August, 1891. That said "composicion con

el estado" had been duly registered in the registry of property of the Province of Bulacan on the 18th of January, 1892. (See Exhibit A.)

- That Don Antonio Canlapan died in the year 1907 or 1908, leaving: a widow and children as his surviving heirs.

- That on the 26th day of October, 1908, the heirs of Don Antonio Canlapan sold and delivered the parcel of land in question to Petronila Marquez, for the sum of P2,185. (See Exhibit B.)

- That due notice was given of the pendency of the petition of the said Petronila Marquez, as required by law. That no opposition whatever was presented and on the 17th of March, 1911, the Honorable Pedro Concepcion, one of the judges of the Court of Land Registration, after having heard the proof presented by the petitioner, decreed the registration of said parcel of land to Petronila Marquez, and issued a certificate to her in accordance with the provisions of the Torrens system of land registration. (See pages 38-42, record.)

- That after the presentation of the petition for registration by the plaintiff (the 28th of October, 1910), the record shows that the plaintiff, on the 2d of November, 1910, sold under a pacto de retro, the land in question to Paulina A. Policarpio, under the condition that the same might be repurchased after a period of two years from the said 2d of November, 1910; that the said sale under the said pacto de retro was duly noted upon the certificate of registration issued to the plaintiff.

That on the 9th of September, 1911, by means of a notarial document, the said pacto de retro was converted into an absolute sale of said property by the plaintiff to the said Paulina A. Policarpio, in consideration of the sum of P500 in addition to the amount which had originally been paid by the said Policarpio to the plaintiff. (See document Exhibit Z.)

- That the petition of the defendant and appellant herein, praying that the registration ordered in the name of Petronila Marquez be opened up and set aside, was not presented until after said land had been sold by her to Paulina A. Policarpio, as appears in paragraph 8 above. The title which had been registered in the name of Petronila Marquez had been transferred to Paulina A. Policarpio, a third party, before the presentation of the petition under discussion. So far as the record shows, Paulina A. Policarpio was an innocent purchaser for value, and was therefore protected in her right by virtue of the provisions of section 38 of Act No. 496

With reference to the first assignment of error, the evidence which consisted solely of baptismal certificates, without any explanation whatever, did not satisfy the court a quo that the relationship of the petitioner in the present action, which she contends existed between her and the former owners of the land in question, did in fact, exist. We have examined said baptismal certificates and, standing alone, there is nothing in them which conclusively supports the contention of the appellant. We find no reason, therefore, for modifying the judgment of the lower court for any arguments in support of the first assignment of error.

With reference to the second assignment of error, there is not the slightest evidence in the record which shows or tends to show that Petronila Marquez defrauded or attempted to defraud the defendant and appellant. There is no evidence which shows or tends to show that she had the slightest knowledge of the existence of the pretended right which the defendant now claims.

Neither do we find any justification in the record for modifying the conclusions of the lower court upon the third assignment of error.

And, moreover, it may be said, without reference to any of the assignments of error, that, in view of the fact that Paulina A. Policarpio is an innocent purchaser, for a valuable consideration, she is fully protected in her right, title, and interest in the land in question by virtue of the express provisions of section 38 of Act No. 496.

In view of all of the foregoing, we are of the opinion and so decree that the judgment of the lower court should be

affirmed, with costs. So ordered.

Arellano, C. J., Torres, Carson, and Trent, JJ., concur.

Moreland, J., concurs in the result.

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.