

ANTONIO SORIANO, APPLICANT AND APPELLEE, VS. PANTALEON AQUINO, OBJECTOR AND APPELLANT.*G. R. No. 9505. July 29, 1915*

Ponente: ARAULLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9505/>**ARAULLO, J.:**

On March 17, 1911, Antonio Soriano applied for inscription in his name of two parcels of land situated in the barrio of Bacal, municipality of Talavera, Province of Nueva Ecija, which constituted a single estate known by the name of Hacienda de Buenavista, a description whereof appeared in the application and in the plan submitted therewith. On account of the objections made by various parties, said application and plan were amended on March 9, 1912, by excluding therefrom an area of about 40 hectares, leaving an area of 848 hectares 94 ares and 81 centares, and by dividing the tract into four parcels instead of two, as it appeared in the first plan.

Objection was made to said application, on the one hand, by the Attorney-General, in representation of the Director of Lands, who alleged that the titles presented by the applicant covered a smaller tract than those described in the application and plans and that the excess belonged to the Government, and, on the other hand, by Pantaleon Aquino who alleged in his turn that he was the owner of a parcel of land located in the sitio of Mantingquis, barrio of Munoz, municipality of San Juan de Guimba, said Province of Nueva Ecija, 14 hectares and 27 ares in extent, the southern half of which had been included by the applicant in his plan—that is, in the northeastern side thereof, a portion that was marked in the amended plan: "Claimed by Pantaleon Aquino." After the evidence had been taken, the Honorable James Ostrand, associate judge of the Court of Land Registration, on September 3, 1912, rendered judgment sustaining Pantaleon Aquino's objection, overruling the objection of the Director of Lands, and therefore decreeing adjudication and registration in favor of the applicant, Antonio Soriano, of the tracts of land described in his amended application, with the exception of the portion marked on the plan appearing at folio 122 as "Claimed by Pantaleon Aquino."

The applicant took exception to this judgment and moved for a new trial of the case on the ground that it was not in accordance with the facts and the law. After the hearing on said motion the same associate judge, Ostrand, on November 19, 1912, issued an order setting aside the judgment rendered in the case on September 3 of the same year, and declared the trial again open for taking more evidence. To this finding counsel for the objector, Pantaleon Aquino, took exception in due time.

After the trial had been again opened and a new hearing had in compliance with the foregoing order, and the Director of Lands had withdrawn his objection by virtue of an agreement made with applicant's counsel, and after additional evidence had been submitted by the latter and by the objector Aquino, the said judge, Ostrand, on May 29, 1913, rendered a new judgment wherein he held that the land claimed by the objector Aquino was included within the boundaries of the land ceded by the state to Nicolas Fernandez, applicant's predecessor in interest, and that it should be included in the decree issued in applicant's name, and he decreed the adjudication and registration of all the land which is the subject matter of the application at bar and is described in the plan, Exhibit AA, folio 122, in favor of said applicant, Antonio Soriano.

The objector Aquino excepted to said judgment and requested a new trial on the ground that it was contrary to the evidence and to the law. This motion having been denied, with further exception thereto, the case has been submitted to this Supreme Court by means of the corresponding bill of exceptions. In certifying the bill on August 11, 1912, said judge also ordered: (1) That a final decree be issued with reference to parcels Nos. 2, 3, and 4, not affected by the objection; and (2) that a writ of possession of all the lands affected by the application at bar be issued in applicant's favor, unless within a period of fifteen days the objector Aquino should file a bond in the sum of P2,000 to cover any damages that might be caused said applicant by reason of the suspension of the issuance of said writ. To the second part of this order, said objector likewise took exception.

The first two errors assigned by the appellant to the lower court in this case are: (1.) Revocation of its original judgment rendered on September 3, 1912, whereby it sustained Aquino's objection and ordered the portion claimed by him to be excluded; and (2) decreeing the reopening of the case and ordering the taking of additional evidence. Counsel for the applicant moved for a new trial on the ground that said judgment of September 3, 1912, was not in accordance with the facts and the law, and, as this is one of the cases in which, according to section 145 of the Code of Civil Procedure, the judge may, on petition of the party aggrieved, set aside the judgment and grant a new trial when he has become satisfied that the evidence was insufficient to justify the decision or that it is contrary to law, the trial judge acted in conformity with the provisions of said section in setting aside the first judgment rendered by him and in ordering or granting the taking of new evidence when he declared the trial again open, for otherwise such trial would have had no object, since the setting aside of the judgment rendered in the previous trial was necessarily a condition precedent to declaring the case to be reopened.

"The conditions under which a judge may grant a new trial are very broad. The court may grant a new trial upon the motion of the parties or upon his own motion.

The judge may grant a new trial on his own motion on finding that excessive damages have been granted, or that the evidence was insufficient to justify his decision or that his decision was against the law." (Chan Suanco vs. Alonso, 14 Phil. Rep., 517.)

Moreover, since the granting of a new trial in the case at bar is within the discretion of the judge, his order is not appealable, and, furthermore, it has not been demonstrated that the judge abused his discretion.

The two assignments of error above mentioned are therefore held to be groundless.

Notwithstanding the provision that the filing of a bill of exceptions shall stay execution of the judgment until the final determination of the action, it is also within the discretion of the court, according to section 144 of the Code of Civil Procedure, to require "as a condition of a stay of execution that a bond shall be given reasonably sufficient to secure the performance of the judgment appealed from in case it be affirmed in part or wholly." The trial court has not, therefore, incurred the fifth error specified in appellant's brief, with, reference to requiring the filing of the bond mentioned in the order of the court of August 11, 1913.

No question is raised on the appeal pending before us filed by the objector Pantaleon Aquino, regarding the right of the applicant to the adjudication and registration in his name of the lands described in his application and the plan Exhibit AA, folio 122, except with reference to the part or portion marked on that plan as "Claimed by Pantaleon Aquino" exclusion whereof from said adjudication and registration is sought by said objector.

The determination of this question depends upon whether the highway which, as the objector himself has acknowledged, separated his property from the applicant's and was the boundary between their two estates, is the same that now exists between the part marked "Claimed by Pantaleon Aquino" in the plan on folio 122, Exhibit AA, and the applicant's hacienda on its southeastern side, or whether said highway was later changed by opening another on Aquino's land, as he has asserted, and this highway later ceased to exist with a reopening of the old

highway, indicated by means of a line drawn with a blue pencil on the plan toward said southeastern side.

The objector has maintained that the present highway is the same that had formerly been abandoned through the opening of the other highway after the revolution, and consequently the boundary between his and the applicant's property has not been changed.

Notwithstanding this assertion of the objector, Pantaleon Aquino, when he was asked if he could indicate in pencil on the plan Exhibit AA the old cart road to which he referred, replied in the affirmative, but when he was told to point it out he said that he could not do so.

Of the two witnesses the objector presented at the new trial, one testified in accordance with the objector's contention, but the other, Brigido Undan, when he was asked to point out where the old highway lay with respect to the land claimed by Pantaleon Aquino, according to the plan, at first indicated that it was on the north of said land, but later said that it was on the south of it, which is what suited the objector's purposes, for thus it appeared that the old highway continued to exist between the hacienda and his land.

On the other hand, the evidence presented on this point by the applicant, both at the first trial as well as the second, is complete and conclusive. On this point testimony was given not only by a certain Jose Moreno, to whom the judge referred in his decision, but also by other witnesses even better acquainted with the locality than the said Moreno, among whom was Maximo Gaerlan, a councillor in charge of the sitio of Buenavista, who had known the applicant's hacienda from the year 1885, because he had been manager for the previous owner thereof, Fernandez, until the year 1893; Mariano de la Cruz, who had known the hacienda from the year 1891; and Julian Erbana, who had, after the year 1888, been a tenant of the same Fernandez on said hacienda. It appears from the testimony of all these witnesses that while the old highway formerly constituted the boundary between the land of Nicolas Fernandez, which is now the applicant's hacienda, and the land of the objector Pantaleon Aquino, that highway had ceased to exist and later another highway had been opened, the present one, within the very hacienda of the applicant, as appears by the blue line drawn on the plan Exhibit AA, folio 122, on the eastern side of the portion marked "Claimed by Pantaleon Aquino," and two of said witnesses pointed out on that plan the old and the new highways, as well as the one which had formerly formed the boundary between the two tracts of land.

The trial court did not, therefore, err in reaching the conclusion that the land claimed by the objector Aquino is included within the boundaries of the land granted by the state to Nicolas Fernandez, applicant's predecessor in interest, and in ordering its inclusion in the decree issued in the applicant's name.

Therefore, the judgment appealed from is affirmed, with the costs against the appellant. So ordered.

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

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.