

7 Phil. 699

[ G.R. No. 3092. March 08, 1907 ]

**JOSE S. GABRIEL AND QUIRINA S. JUAN, PETITIONERS AND APPELLEES, VS.  
RAFAEL BARTOLOME ET AL., RESPONDENTS AND APPELLANTS.**

**D E C I S I O N**

**TORRES, J.:**

On the 14th day of February, 1905, Jose S. Gabriel and his wife, Quirina S. Juan, filed their petition, in writing, in the Court of Land Registration praying for the legalization and registration of title held by them in and to a parcel of land situated in the place called Panasahan, of the barrio of Bambang, town of Bocaue, Province of Bulacan, which parcel of land is bounded, as follows, to wit: On the north by the lands the property of Manuel S. Juan and Josefa Dionisio; on the east by the lands of Francisco de Guzman and Honorato Roxas; on the south by the lands of Miguel Samson, and on the west by the Panasahan River, and having for its superficial area 230,680 square meters. It was alleged and set forth in the petition that petitioners had acquired a one-third part of said parcel of land as an inheritance from the father of the petitioner Quirina S. Juan, a one-third part by purchase for the sum of 1,500 pesos by the petitioner S. Gabriel from Ignacio S. Juan, and the last third part by purchase for the sum of 2,600 pesos, as made by both husband and wife, the petitioners herein, from Manuel S. Juan; that said inheritance was from the estate of Vicente S. Juan, who died on the 31st day of July, 1889, as shown by the attached certificate of death. The wife of the said Vicente S. Juan, Francisca Arcadio, died during the month of May, 1899, leaving properties to her children duly named in the notarial act which also accompanied said petition.

In this notarial act, executed on the 15th day of December, 1902, before Calixto Reyes, notary public, in accordance with the request of the attorney representing the three children, Quirina, Manuel, and Ignacio S. Juan y Arcadio, it was duly set out by affidavit of three witnesses that they were the owners in undivided interest of a parcel of land used for the purpose of a fish pond or fishery, situated in the place called Cocolisan, barrio of

Bambang, town of Bocaue, the extension and boundaries of same being duly set out; that this property was acquired under a title of inheritance from their parents, Vicente San Juan and Francisca Arcadio, both of whom died intestate; that they had been in possession of said land peaceably and without interruption and that their title deeds had been lost by them during the war; that they had not been able to find said title deeds, and that they were then the actual undivided owners of said land, and that said land was at that time leased to a third party, which instrument appears registered in the office of the registrar of properties of the Province of Bulacan.

The said petition was opposed by Rafael Bartolome through his attorney Francisco Rodriguez, alleging that same, said petition, should not be granted for the reason that the fish pond, the matter of this controversy, covered only 220,680 square meters and was bounded on the north by the land of Josefa Dionisio and the fish ponds of Juan Leonardo and Aniceto Celestino; on the south by the fish pond of Miguel Samson; on the east by the lands of Francisco de Guzman and Marcos S. Gabriel, and on the west by the Panasahan River, and that the said fish pond was the exclusive property of Jose Lico Bartolome and Maria Palumbarit, the deceased parents of the respondent; that said deceased parents held a title of ownership in and to the said land since 1853; that in 1886 the said Jose Bartolome, being at that time in the service of Vicente S. Juan, then *gobernadorcillo* of Bocaue, the latter, through his influence, obtained from the said Jose Bartolome the gratuitous and free transfer of the said fish pond for the purpose of development and on condition that the same would be returned at any time upon demand, this being done for the reason that at that time neither the respondent, Rafael nor his father, Jose, were possessed of sufficient means with which to develop the said fish pond; that after the death of his father, Jose, and the said Vicente S. Juan, and then having means to develop the said fish pond, commenced in 1903, the proper action in the Court of First Instance of the Province of Bulacan, praying that he be recognized as the sole heir of his deceased father, Jose Bartolome, this for the purpose of obtaining the possession of the said fish pond from the heirs of the deceased, Vicente S. Juan; that as a result of said petition investigations and trial were had by the court and it was thereafter found that Quirina S. Juan and her brothers, without any title or right, had divided the said fish pond, and without having been able to show that they hold any legal title in and to the same; that they had limited themselves to evasive answers, therefore the respondent asked that the petition presented by Jose S. Gabriel and his wife Quirina S. Juan, be denied with respect to the 220,680 square meters of land, more or less, the object of this controversy, and imposing upon them, the petitioners, the costs.

The same attorney, Rodriguez, in the name of Mariano Celestino y Santiago, filed, in

writing, an opposition to the petition first mentioned, alleging that part of the land, the registration and legalization of which was then being claimed by Quirina S. Juan and her husband, was the exclusive property of Mariano Celestino y Santiago, he having acquired the same by inheritance from his parents, Aniceto Celestino and Manuela Santiago, which said part of land was bounded on the north by the land of Manuel S. Juan, on the south by the fish pond of Rafael Bartolome, on the east by the fish pond of Juan Leonardo, and on the west by the Panasahan River, and that the superficial area of said parcel or part of land is 1,000 square meters, more or less; therefore he prayed that the petition, as aforesaid, be denied with respect to the registry of that portion of the land as stated above.

Benito Leonardo also opposed the said petition for registry, alleging that part of the said property, the legalization of title and registry of which was then being asked for by the petitioners, to wit, the northern part thereof, belonged to him, having acquired the same by inheritance from his father, Juan Leonardo; therefore he prayed that the court deny the claim of the petitioners with respect to that part of the land traced on the plan which accompanied his written opposition.

According to the agreement dated October 2, the petitioners and respondents agreed that the land pertaining to the northern part of the parcel in question had been in the possession of Aniceto Celestino and Juan Leonardo, both since deceased, prior to the time that the same had been in the possession of the persons from whom the petitioners had derived or claimed their right, leaving to be decided only the question as to the manner and form in which such persons from whom Jose S. Gabriel and Quirina San Juan derived their right had themselves acquired their right.

The judge, in view of the verbal testimony of witnesses and the documents made and executed by both parties, rendered on October 24, 1905, a corresponding decision, ordering the property described in the petition adjudicated to, and that the same be registered in, the name of the petitioners, Jose S. Gabriel and Quirina S. Juan, as owners thereof. The respondents filed their exception against this decision and asked in addition thereto that the said judgment be annulled and that a new trial be granted, announcing their intention, if such request be denied, of presenting their bill of exceptions. This motion was denied by the court on November 29, to which ruling the appellants duly excepted.

The only question, the basis of the petition, and as decided by the court of registry in the judgment appealed from, is, if the petitioners are the legitimate owners of the fish pond, the subject-matter of this action, they have the right to ask that the property be registered in

their names.

In order that the court could grant the petition of Jose S. Gabriel and Quirina S. Juan, his wife, it was necessary to take into consideration as a proven fact that Vicente S. Juan, now deceased, the father of the petitioner, Quirina, had acquired the land in question during his lifetime, part by purchase and part through and by the exchange of other lands, from the parents of the respondents, Rafael Bartolome, Mariano Celestino, and Benito Leonardo, and which land had been in possession of said parents of respondents before its ownership had been transferred by such parents in favor of Vicente S. Juan; and after the death of Vicente S. Juan and his wife, Francisca Arcadio, both intestate, they were succeeded by their said children, the said Quirina, Ignacio, and Manuel, all of the same surname, that of S. Juan, Ignacio having disposed of his one-third part of the said land to his brother-in-law, the husband of Quirina, and Manuel disposing of his one-third part of said land to the said Jose S. Gabriel and Quirina S. Juan, husband and wife, respectively, who are actually the only holders of the title as owners of the said land.

On the other hand, notwithstanding the evidence given by the witnesses, Doroteo Felipe, Martin Geronimo, and Gregorio de la Cruz, as presented by respondent Rafael Bartolome, it has not been proven satisfactorily that the first holder, Jose Bartolome, had ceded gratuitously the southern part of the said land, which was the larger part of said land, to the said Vicente S. Juan, for the purpose of development and under the condition that he, Vicente S. Juan, return same upon demand.

Neither have the respondents Mariano Celestino and Benito Leonardo duly justified the causes upon which they base their opposition, nor have they shown the falsity of the documents, marked with the letters "O" and "P," as presented by the petitioners.

Section 273 of the Code of Civil Procedure prescribes:

"In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the

greatest number.”

It is seen from the findings and legal conclusions, as set out in the decision appealed from, that the court below took into consideration the evidence presented by the parties herein and acted upon the merits and worth of the same, and in establishing his conclusions as deduced from the facts alleged and proven on record, the judge followed strictly the above section of the law, Act. No. 190, and, therefore, did not err in any point of law, as is claimed by the attorney for the respondents.

It is not shown in any manner worthy of consideration or credence by what means Jose Bartolome acquired the land in question before he transferred or ceded the same to Vicente S. Juan, but, on the other hand, the petitioner Quirina S. Juan and her brother Ignacio, acting in good faith and with the conviction that their deceased parents were the legitimate owners of said land, have testified voluntarily and frankly that their ancestor acquired the same by exchange of three portions of land of more value from the said Jose Bartolome, and that when the said land was disposed of by Jose Bartolome there was no fish pond on the same, that the said Jose Bartolome took possession of the three portions of land that Vicente gave to him in exchange, and which statements were not denied by the respondents nor rebutted by any class of proof to the contrary, and the respondents agreed under stipulation between the parties that Manuel S. Juan, the third of the heirs and brother of the petitioners, would, if called upon, have testified to the same effect and purport.

The gratuitous and free cession of the land in question, as alleged by the respondent Rafael Bartolome, was rejected by the judge in his decision by reason of the lack of proof in support of such allegation, and it would not have been proper to have considered as proven such allegation in view of the divergent and contradictory testimony given in support of same, and the court necessarily arrives at the established conclusion that the petitioners had the right to ask for the registration of the fish pond, their property, for the reason that their ancestor, Vicente S. Juan, had legally acquired and was the legitimate owner and holder of the said land.

Rafael Bartolome could not present the first title deed, by virtue of which his father possessed the land, and as he did not prove that he had ever had in his possession such title deed or at any time after the said land was possessed by Vicente S. Juan, or that the same had been lost in a fire, as Rafael assures us, it is presumed that, in order to have effected the exchange, Jose Bartolome delivered his title papers to Vicente S. Juan—that is to say, if

Jose Bartolome ever had such title deed, and that Vicente S. Juan from that time, now about thirty years, to the presentation of this petition had been in possession of the fish pond under and with good title and in good faith, and under these conditions he transferred the same, at his death, by virtue of law, to his three children.

Neither could the three children of Vicente S. Juan present the title papers of domain that they had received from their father as registered in the Registry of Property, for the reason that the same had been lost during the war, and this fact is supported by three witnesses by sworn affidavit made before a notary public; therefore, in accordance with section 284 of the Code of Civil Procedure, it was necessary to consider as proven the loss of the documents covering the said title.

The fact is proven, and is of record and is admitted by the respondents, that the petitioners, the husband and wife, were in possession of the land, the subject-matter herein, and it is the presumption in accordance with law, that they held such possession in good faith, and to overcome this presumption it is necessary to prove bad faith on their part, the production of which proof is incumbent upon the contestants, who claim the land possessed by the petitioners, and it is here noted that bad faith is never to be presumed in the simple act of possession. (Arts. 434, 436, Civil Code; judgments of the supreme court of Spain, October 20, 1870, and October 15, 1885.)

There exists the presumption, *juris tantum*, in accordance with section 334 of the Code of Civil Procedure, that the things which are possessed by a person are his property, and that a person is the owner of property is indicated in the continued exercise of acts proper to ownership of the same, or by a general belief that he holds the same as the owner thereof—that is, unless these presumptions can be refuted by satisfactory proofs to the contrary.

It has been shown by oral testimony and documentary evidence that Vicente San Juan held quiet and peaceable possession, without any interruption whatsoever, of the land, the subject-matter herein, during a period of thirty years and until his death, and expended on the same during his lifetime work and money to convert the land into a fish pond; that he leased the same to Dominga San Gabriel and paid the taxes on such land and exercised constantly on the said land acts proper to those of the true owner, and that he had been considered and held by his townsmen as the only legitimate owner of the said land for many years before 1886. On the part of Jose Bartolome, who died in 1891, surviving Vicente by two years, the latter dying in 1889, it should be noted that during these two years Jose

Bartolome did not present any claim to the said land nor against the children of Vicente S. Juan, and this claim was only presented by the son of Jose, Rafael Bartolome, in 1905, and this without any right to do so, as has been found by the judge in his final decision.

If it is evident that the deceased Vicente San Juan was in possession during his lifetime of the land in question and showed good faith in the possession thereof, why did the contestants not produce proof to the contrary, for the greater reason that there must be considered the said condition of good faith in favor of the heirs of Vicente San Juan, in accordance with the provisions of article 1950 of the Civil Code, which reads:

“Good faith of the possessor consists in his belief that the person from whom he received the thing was the owner of the same, and could convey his title.”

Since it has not been proven, it is not proper to presume that the petitioners believed that their ancestors were not the owners of the land nor that they could not convey their title.

In regard to the opposition of Mariano Celestino and Benito Leonardo, apart from the findings set out in the judgment handed down, legal cause or reason is not offered therefor, and there is no reason for not taking into consideration the documents marked “O” and “P,” which documents are expressive of the acquisition by Vicente S. Juan of the respective portions of land from them in the years 1857 and 1865, now a period of more than forty years and in which period Vicente S. Juan should take over the said land of Jose Bartolome for the purpose of forming, as it now does, one single fish pond.

Therefore, after reviewing the conclusions reached by the court below and the merits of the documentary evidence accompanying said petition, we affirm the said judgment appealed from, together with the costs of this instance, against the respondents.

After the expiration of twenty days let judgment be entered in accordance herewith, and ten days thereafter let the record be remanded to the court from whence it came for proper action. So ordered.

*Arellano, C. J., Mapa, Johnson, Carson, Willard, and Tracey, JJ., concur.*

Date created: July 17, 2014