

FELICIDAD TOLENTINO, PETITIONER, VS. EULOGIA BIGORNIA CARDENAS AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-20510. April 29, 1966

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0300ec37e067/>

BARRERA, J.:

This is a petition for review of the decision of the Court of Appeals, affirming the decision of the Court of First Instance of Manila (in Civil Case No. 41124).

The case commenced with the filing of a complaint by Eulogia Bigornia Cardenas against her husband Leoncio Cardenas and Florencia Riñen, with whom the latter was allegedly cohabiting, seeking recovery of the sum of P3,000.00 which she incurred and spent to maintain herself since she left the conjugal dwelling on July 1, 1951. Plaintiff also demanded for an accounting of the fruits of the conjugal partnership and the delivery of her alleged share thereof, and for the transfer of the administration of the conjugal properties to her. It was claimed that she and defendant husband acquired a lot at L. Nadurata street, Grace Park, Caloocan, Rizal, whereon they constructed a house, being rented for P100.00 a month, and which rental was being received by the other defendant Felicidad Tolentino, successor-in-interest of defendant Leoncio Cardenas.

Defendants Cardenas and Rinen denied the material averments of the complaint. Defendant Felicidad Tolentino, on the other hand, who claims to be the owner of a certain Lot No. 2-A of Psd 43206, evidenced by Transfer Certificate of Title No. 38550, appearing in her name, contended that she acquired the house referred to in the complaint, by purchase, from Leoncio Cardenas who represented himself to be the sole and lawful owner thereof.

After due hearing, the court rendered a decision the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, judgment is hereby rendered ordering the defendant Leoncio Cardenas to pay to the plaintiff herein the sum of P3,000.00 as actual damages in the first cause of action; order the defendant Leoncio Cardenas to deliver to the plaintiff the administration of the conjugal property and to account for the fruits of the conjugal partnership from July 1, 1951 until the time that he surrenders the administration thereof to the herein plaintiff; and places the administration of the conjugal property in the hands of the herein plaintiff, defendant Leoncio Cardenas having abused his power of administration; declares the sale, if any, of the house and lot in question to Felicidad Tolentino as null and void which was done in violation of Article 166 of the above-cited Code; to pay attorney's fees to the lawyer of the plaintiff in the amount of P200.00, plus costs." (Italics supplied.)

All three defendants gave notice of appeal to the Court of Appeals, but only defendant Felicidad Tolentino filed brief as appellant specifically assailing the correctness of the decision of the trial court insofar as it declared the sale of the conjugal house and the lot, if any, null and void. The appellate court in affirming the decision of the court a quo, said:

"With respect to the sale, if any, of the lot claimed by the plaintiff-appellee, appellant states, 'The evidence in this regard does not show that there was a sale between defendant Leoncio Cardenas and appellant Felicidad

Tolentino over the lot in question, and for this reason, there is nothing to be annulled.' The statement is correct; in fact, the trial judge entertained serious doubt that the land covered by the tax declarations in the name of Leoncio Cardenas, Exhibits A and H described therein as Lot 2, Block 80, was really bought by appellant from said Leoncio Cardenas by the mere production of the photostatic copy of TCT No. 38550, Exhibit 2, which covered Lot 2-A of Psd 43206, without the corresponding deed of sale, and which was issued to appellant on April 11, 1954, whereas Exhibit 1 is a letter dated November 2, 1954, addressed to Mr. L. Cardenas, 154 7th Avenue, Grace Park, Caloocan, Rizal, by the manager of the Philippine Realty Corporation, informing, 'You have been occupying Lot No. 2, Block No. 80, of our Grace Park Subdivision, which has been for sale for a long time now', and giving formal notice 'to vacate the said lot within ten (10) days from date of this letter unless you arrange with us the purchase thereof within said period.'

"WHEREFORE, finding the decision appealed from to be justified by the evidence and the law, we hereby affirm the same, with costs against the appellant."

In this petition, petitioner-defendant Tolentino raises the question of whether a realty may be lost by the mere fact that another person declared the same to be his for taxation purposes. In short, petitioner was under the impression that both decisions of the court a quo and the Court of Appeals passed upon the validity of the certificate of title issued in her name covering a certain Lot 2-A of Psd-43206 or that the ownership thereof was adjudicated in favor of the conjugal partnership of the Cardenas spouses.

It may be pointed out, however, that a reading of the pertinent portions of the decisions, quoted above, will show that what was declared null and void was "the sale, if any" of the house and lot allegedly belonging to the conjugal partnership. There was no actual finding that there was a sale of the lot claimed by petitioner Tolentino. Although the decision of the trial court made mention of a certain lot Caloocan, Rizal, for which the spouses Cardenas gave a down payment of P100.00 to a certain Mr. G. Leonardo and which was declared for taxation purposes in the name of defendant husband, there was no conclusion that said lot was ultimately acquired by the Cardenas couple. The only thing that was established, and the parties agree to this, was that, the house which was constructed in April, 1948 was sold by defendant husband and purchased by defendant Tolentino for the sum of P500.00 in November, 1954, without the consent of the plaintiff wife. Under the terms of both decisions and since there was such sale of the house, the transaction is null and void for lack of the necessary marital consent as provided in Article 166 of the new Civil Code.

On the other hand, considering that, admittedly, no sale of any lot belonging to the conjugal partnership took place or was entered into by defendant husband and herein petitioner, and as there was no finding in the decisions that the lot covered by Transfer Certificate of Title No. 38550 appearing in the name of Felicidad Tolentino ever belonged to the said conjugal partnership, there is actually no controversy as to that lot raised in the instant proceeding. Since there had been no sale of any lot made by the husband, there could have been no such transaction that has been affected by the decisions.

Wherefore, finding no error in the decision under review, the same is hereby affirmed and herein petition is dismissed. With costs against the petitioner. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, 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.