

**TOMASA BULOS VDA. DE TECSON, AS ADMINISTRATRIX OF THE
TESTATE ESTATE OF PABLO TECSON OCAMPO,
PLAINTIFF-APPELLANT, VS. VICENTE TECSON, BENJAMIN, RAUL
AND MIGUEL, ALL SURNAMED TEC...**

G.R. No. L-26397. June 30, 1969

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/12914d1878ac/>

FERNANDO, J.:

The present litigation primarily involves claims to property of the original plaintiff, the deceased Pablo Tecson Ocampo, who, five days after filing the original complaint, died to be substituted by the present plaintiff-appellant, his administratrix, Tomasa Bulos Vda. de Tecson, his second wife. The conflict over property is between the present plaintiff-appellant on the one hand and the sole child of the first marriage, Vicente Tecson, as well as of his three children, Benjamin, Raul and Miguel, on the other. While the original complaint,[1] filed as far back as April 26, 1940, sought to set aside an alleged extrajudicial partition dated September 1, 1932 as well as a deed of donation of September 27, 1932, both in favor of defendant-appellee Vicente Tecson, the legitimate son and sole heir of the first marriage, the complaint, as above noted, was thereafter amended several times with the present plaintiff-appellant Tomasa Bulos Vda. de Tecson being substituted for the deceased, as a result of which the issues, insofar as relevant for the disposition of this appeal, have, in the opinion of the lower court, proliferated.

They may be summarized, in the language of the appealed decision thus: "Whether or not the deed of cession, * * *, and the deed of renunciation of the inheritance, * * *, executed respectively by Pablo Tecson and Vicente Tecson were fictitious and executed solely for the purpose of evading the attachment of the other properties of Pablo Tecson Ocampo by his creditors, as contended by Vicente Tecson, or whether they were freely and voluntarily executed by Vicente Tecson, as contended by the administratrix of the estate of Pablo Tecson, - its invalidity or illegality being recognized by both parties, it being a renunciation of future inheritance; and whether or not Vicente Tecson had received the properties mentioned in the deed of cession, * * *, and the deed of renunciation * * *, and if he had his obligation to collate the same in the estate of the deceased Pablo Tecson; * * * The validity of the extrajudicial partition, * * *, and whether, as contended by the plaintiff, it had been obtained thru fraud and misrepresentation by Vicente Tecson, or, as contended by Vicente Tecson, it was a free and voluntary act of Pablo Tecson Ocampo; * * * The validity of the deed of donation, * * *, and whether or not it had been obtained thru fraud and misrepresentation on the part of Vicente Tecson, or, as contended by the defendant, it was a free and voluntary act of Pablo Tecson Ocampo; and, assuming its validity, whether Vicente Tecson is required to collate the same in the inheritance of Pablo Tecson Ocampo, and whether the donation is subject to revocation due to the subsequent appearance of the children of Pablo Tecson Ocampo; and * * * Whether or not the action to annul the extrajudicial partition and donation has already prescribed." [2]

A recital of the family history found in the exhaustive decision of Judge Jose N. Leuterio, then of the Court of First Instance of Nueva Ecija, goes far to clarify matters and put things in their proper perspective. Thus: "To

determine the real intention and purpose of Pablo Tecson Ocampo in executing the deed of extra-judicial partition of the San Mariano property, * * *, and donating it to his son and to his grandchildren Benjamin, Raul and Miguel Tecson, * * *, we must have to go into the family history. The San Mariano property is part of the conjugal partnership properties of the spouses Pablo Tecson Ocampo and Juana Mendoza. Vicente Tecson was the only son of the spouse. He was what the defense says, 'hijo de familia' and has not been trusted with the management and custody of the family property. Vicente Tecson, even during his marriage with the mother of now defendants Benjamin, Raul and Miguel, lived in the house of his parents in San Miguel, Bulacan, until the death of his mother Juana Mendoza in April, 1928. Benjamin, Raul and Miguel also lived with their grandfather. The mother of these three children wife of Vicente Tecson, died when the oldest son Benjamin was only four years old. The father and his children, now grandchildren of Pablo Tecson, lived with Pablo Tecson Ocampo and Juana Mendoza. Juana Mendoza took care of these three children until her death in 1928. Pablo Tecson Ocampo and his wife Juana Mendoza took care of the education of these three children sending them to exclusive schools, including the Ateneo, De la Salle College and Jose Rizal College."[3]

Likewise, according to the appealed decision: "Even, however, during the lifetime of the wife of Pablo Tecson Ocampo, he had illicit relations with Tomasa Bulos, whom he married later. They had three spurious children Lorenzo, Josefina and Isabel whom they later adopted in 1936. After the death of Juana Mendoza, the amorous relations between Pablo Tecson and Tomasa Bulos continued, only with more intensity. Pablo Tecson Ocampo transferred his residence to San Mariano, San Antonio, to be near Tomasa Bulos who was living in Tikiw of the same municipality. No partition, however, or liquidation of the conjugal partnership of Pablo Tecson Ocampo and Juana Mendoza had been made. So, in December 1929, for this reason and partly perhaps because the business of the Tecson Ricemill was going down, they liquidated the conjugal partnership, with the execution of the deed of cesion, * * *, and the deed of renunciation, * * *, by Pablo Tecson Ocampo and Vicente Tecson, respectively."[4]

It was then noted in the appealed decision: "With the execution of these two documents, Pablo Tecson Ocampo killed, as it were two birds with one shot, he liquidated the conjugal partnership and he freed himself from being pursued by the creditors of the Tecson Ricemill. It must be observed that in the deed of cesion, * * * and in the deed of renunciation, * * * Vicente Tecson did not receive any real property acquired during the marriage of Pablo Tecson Ocampo and Juana Mendoza. All that he had acquired under the two documents were the interest and participation of Vicente Tecson Ocampo in the Tecson Ricemill but subject to its obligation, then of unknown quantity. And in the deed of renunciation, Vicente Tecson acknowledged having received only palay, money and credits. It may be asked why Vicente Tecson had acceded to this arrangement? The answer lies in the fact that he had always been under the support of his father and had lived with him from the time of his marriage up to the year 1928. And when we consider that Pablo Tecson Ocampo had a domineering character, and had absolute control over his son and grandchildren, such that these descendants could not approach him and had to resort to their uncle Mariano, it is easy to understand why Vicente Tecson had acted and agreed to the deed of cesion and the deed of renunciation. In 1932 Pablo Tecson Ocampo, whether of his free will or whether at the instigation of or thru the insistence or supplication of Tomasa Bulos, finally decided to crown his amorous relations with Tomasa Bulos with marriage. However, it would appear that his ties with his late wife Juana Mendoza and with his son and grandchildren were still strong, and he did not want to enter into the marriage relation without at least giving his son and grandchildren the protection they were entitled to in view of his affection. And so he thought of dividing the San Mariano property between himself and Vicente Tecson, and he and Vicente donated the whole property to his grandchildren Benjamin, Raul and Miguel."[5]

What did transpire next, according to the decision now on appeal: "Effectively, on September 1, 1932, Pablo Tecson Ocampo and Vicente Tecson executed the deed of extrajudicial partition, * * * and on September 27, 1932 the deed of donation * * *. But he did not entirely relinquish all the benefits in the San Mariano property in

donating the same to Raul, Benjamin and Miguel. Together with Vicente Tecson, Pablo Tecson borrowed the amount of P12,000.00 from the Philippine National Bank, giving as security the San Mariano property. This money, except for what was used for the payment of the obligation of the Tecson Ricemill, went to Pablo Tecson Ocampo. And this debt was finally paid by the donors. Having done what he could for the protection of his son and grandchildren, and perhaps with a feeling of relief, a little over one month after the execution of the deed of donation, * * *, or on November 3, 1932, Pablo Tecson Ocampo married his paramour, Tomasa Bulos.[6]

Further clarification was supplied by the lower court decision thus: "Things passed quietly for a sometime until the donees made mention of this donation to Atty. Juan T. David who found that the title to the property donated still remained in the name of the donors. And so the arrangement as outlined by Atty. Juan T. David was made. Over three years had passed since the donation had been executed. In those three years, a slight change in the heart and affection of Pablo Tecson Ocampo had taken place. Whether this change of heart was voluntary or thru the supplication and importunities of the second wife, Tomasa Bulos, need not here be discussed. Suffice it to say that Pablo Tecson Ocampo made it hard for the donees to effect the transfer of the donated property; and not until the donees consented to the leasing of this property to Tomasa Bulos for a period of five years, at a nominal rental of over P2,400.00, did Pablo Tecson Ocampo agree to the registration of the donation and the transfer of the title to the donees. The court says the rental nominal as it was only for the amount of P2,400.00, when, according to the plaintiff herself, the annual share of the owner in the San Mariano property was about 5,000 cavanes of palay. The contract of lease was executed and Tomasa Bulos entered into the possession of the property as lessee in the year 1936. Like the proverbial Camel, who, once having placed his head inside the tent wanted to occupy the whole tent for himself, Pablo Tecson Ocampo and his wife Tomasa Bulos wanted to have one half of the San Mariano property for them-selves; they were no longer content with the possession and enjoyment of the property as lessee for five years on a rental sufficient only to pay the annual amortization of the indebtedness of the donees. And so efforts were made by the donor Pablo Tecson Ocampo to secure one half of the San Mariano property for his children with Tomasa Bulos."[7]

Things were placed even more in their true perspective by this portion of the decision: "The donees, however, refused to give any further concession to their grandfather Pablo Tecson Ocampo, perhaps because they believe that if they returned one half of the property their grandfather would not benefit therefrom, but only his children, by the second marriage with Tomasa Bulos. The donees Benjamin, Raul and Miguel refused to meet their grandfather Pablo Tecson Ocampo as requested by him in the letters Exhibits M, N and O. And four days after the appointed time for their meeting on November 25, at San Miguel in the house of Mariano Tecson, Pablo Tecson Ocampo filed civil case 8304 for the annulment of the donation. [Thus] it can be clearly seen that Pablo Tecson Ocampo wanted to make some arrangements with the donees Benjamin, Raul and Miguel with respect to the San Mariano property, not because his consent thereto had been obtained thru fraud and misrepresentation but because of his small children whom he believed he had deprived of their inheritance and to whom he wanted to leave a part of his property. Nothing in his letter, which had expressed the true sentiment and feeling of Pablo Tecson Ocampo, was said of any misrepresentation or any deceit either on the part of his son Vicente or on the part of the other defendants. Unfortunately, a donation inter vivos is irrevocable except for the causes which are provided by law, none of which presently appears. Pablo Tecson Ocampo would want to modify the donation, an intention manifest in his letter to Benjamin, Raul and Miguel, * * *, in which he expressed his desire to meet them on Nov. 25, 1939 in the house of his brother Mariano so that he could make known his last final decision, as if a donation which had been perfected was still subject to his change of heart and mind."[8]

For an accurate appraisal of Judge Leuterio's decision, the discussion of the legal questions raised must be taken into account. Thus: "But even it be conceded that the donation * * * and the extra-judicial partition, * * * had been fraudulently obtained by Vicente Tecson, still plaintiff's claim must fail. According to the plaintiff, Pablo

Tecson Ocampo discovered for the first time that Exhibits C and E were not in fact mere documents to enable Vicente Tecson to borrow money from the Bank, but were in fact an extrajudicial partition and donation, in the latter part of February, 1936. In fact, Tomas Bulos got a copy, * * * of the deed of donation on March 3, 1936. The fraud was discovered, at the latest, therefore, on that date, March 3, 1936. An action to annul a donation on the ground of fraud must be brought within 4 years from the discovery of the fraud, in this case, not later than March 3, 1940. The present action was brought only on April 26, 1940, or over 4 years after the discovery of the fraud. It might be argued that the first action civil case 8304 was brought within the statutory period. But that action was dismissed, and therefore, it did not interrupt the running of the statutory period within which to bring the action (Art. 1946, par. 2, Spanish Civil Code, the law then in force. *Lacuesta vs. Guerrero*, 8 Phil. 719)"[9]

Nor was another legal question of consequence, the effect of children being subsequently born to the second marriage of Pablo Tecson Ocampo, left untouched. Thus: "It is quite obvious of course, and it needs no extended discussion, that the donation may not be revoked by the subsequent appearance of children of Pablo Tecson Ocampo with Tomas Bulos, for at the time of the donation, Pablo Tecson Ocampo had already one legitimate child, - the defendant Vicente Tecson (Art. 644, Spanish Civil Code)."[10]

On the above issues, the dispositive portion of the appealed decision reads: "In conclusion the court finds: * * * the deed of cession * * and the deed of renunciation, * * * must be under-stood and construed as a liquidation of the assets of the conjugal partnership of Pablo Tecson Ocampo and Juana Mendoza, and void as a renunciation of the right of Vicente Tecson to inherit from Pablo Tecson Ocampo; and as Exhibits A and B are a liqui-dation of the conjugal partnership of Pablo Tecson Ocampo and Juana Mendoza, Vicente Tecson is not and should not be required to collate what he has received by virtue thereof in the succession to the estate of Pablo Tecson Ocampo; the deed of extrajudicial partition. Exhibit C, is hereby declared to be valid as the free and voluntary act of Pablo Tecson Ocampo; the deed of donation, * * * is likewise declared to be valid as the free and voluntary act of Pablo Tecson Ocampo."[11]

From such a decision an appeal was taken to the Court of Appeals. Subsequently, in a resolution of its third division dated July 26, 1966, the records of the case were certified to us for final adjudication, in accordance with the then controlling statutory provision, the amount involved being more than P200,000.00. The appeal is thus properly before us.

In her brief, plaintiff-appellant Tomas Bulos Vda. de Tecson alleged that two errors were committed by the lower court, namely, its failure to appreciate certain evidence of relevant and material importance, disregarding their true import, weight and stark effect, with the result that it failed to conclude that the preponderance of evidence was clearly in her favor and its finding as valid and as the free and voluntary act of the deceased, Pablo Tecson Ocampo, the deed of extrajudicial partition as well as the deed of donation.

Neither assignment of error carries enough weight to call for a reversal of the decision. An objective analysis of the evidence, free from the compulsion of partisan bias, yields no other conclusion except the correctness of the lower court's appraisal of the facts. Necessarily then, it is not to accord deference to reason to allege, as plaintiff-appellant does in this appeal, that the preponderance of evidence was clearly in her favor and that the deed of extrajudicial partition as well as the deed of donation could not be considered as the free and voluntary act of the deceased, Pablo Tecson Ocampo. There is nothing in the brief of plaintiff-appellant, even if minutely considered, that would sustain the above assignments of error. To repeat, the line of argument pursued by her is far from persuasive.

For one thing, what is objected to is not any alleged failure to apply the law that is controlling but the lower court's appraisal of the decisive facts. Such an appreciation is primarily for the trial judge, who heard the

witnesses testify and who was thus in a much better position to gauge their credibility. Not that the conclusion thus arrived at is to be considered binding. We would be recreant to our appellate task if such be our attitude. We are called upon, however, in the absence of any taint of arbitrariness or bias, to yield to its findings the presumption that they were arrived at with due care and deliberation. A heavy burden is thus placed on the party who would have us disregard them. It must do so in a clear and convincing fashion. Such is not the case here.

What is said in the recent case of *Corliss v. Manila Railroad Company*[12] finds relevance. Thus: "In the more traditional terminology, the lower court judgment has in its favor the presumption of correctness. It is entitled to great respect. After all, the lower court had the opportunity of weighing carefully what was testified to and apparently did not neglect it. There is no affront to justice then if its finding be accorded acceptance, subject of course to the contingency of ultimate reversal if error or errors, substantial in character, be shown in the conclusion thus arrived at. It is a fair statement of the governing principle to say that the appellate function is exhausted when there is found to be a rational basis for the result reached by the trial court."

In this particular case, the rational basis for the almost fifty-page decision, as reproduced in the record of appeal, of Judge Leuterio cannot escape attention. The presence of a careful and painstaking effort to appraise the true worth of what was testified to cannot be denied. After setting forth the issues, reproduced in this opinion, fully ten pages were devoted to a recital of the evidence for plaintiff-appellant. Equally so, the evidence for defendants-appellees received the same careful treatment. The rest of the decision was taken up with a thorough and exhaustive analysis of the facts which have been duly proven and the principles of law that should govern. It would thus appear that no effort was spared by Judge Leuterio to arrive at a correct and dispassionate conclusion.

If after such meticulous study, distinguished likewise by a more than adequate grasp of the intricate legal questions presented, the lower court decision is to be subjected to the stigma sought to be fastened upon it by plaintiff appellant, then the commendable efforts of lower court judges to maintain a high standard of the administration of justice would go for naught. Far be it from us to contribute to such a deplorable result. The appeal must fail.

WHEREFORE, the appealed decision of the Honorable Jose N. Leuterio of June 25, 1959 is affirmed, with costs against plaintiff-appellant.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Ruiz Castro, Capistrano, and Teehankee, JJ., concur.

Dizon and Barredo, JJ., did not take part.

[1] Thereafter, an amended complaint dated May 14, 1941; a supplemental complaint dated May 31, 1941; a consolidated amended complaint dated June 11, 1941 and a new amended complaint dated May 15, 1947 were filed. Record on Appeal, pp. 58-71; 114-127; 154-175.

[2] Record on Appeal, pp. 439-440.

[3] *Ibid*, p. 476.

[4] *Ibid*, pp. 476-477.

[5] *Ibid*, pp. 477-478.

[6] *Ibid*, p. 479.

[7] *Ibid*, pp. 479-480.

[8] Ibid, pp. 482-484.

[9] Ibid, pp. 484-485.

[10] Ibid, p. 485.

[11] Ibid, pp. 485-486.

[12] L-21291, March 28, 1969. Cf. Medina v. Collector of Internal Revenue, L-15113, January 28, 1961; Gutierrez v. Villegas, L-17117, July 31, 1963; Arrieta v. National Rice & Corn Corp., L-15645, January 31, 1964.

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.