

**VICENTA CORPUS, ET AL., PLAINTIFFS AND APPELLANTS, VS. JOSE A. V. CORPUS, ET AL., DEFENDANTS AND APPELLEES.***G. R. No. L-12320. April 29, 1963*

Ponente: BENGZON, C.J.

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The plaintiffs are the heirs of Pio V. Corpus. They seek to recover from the executor of Teodoro E. Yangco and the defendant Memorial Foundation the so-called Hacienda Masbate which admittedly belonged to Pio V. Corpus way back in 1930. They also demand, in this suit filed in Masbate in 1951, full accounting for the produce of said hacienda from the year 1934, in addition to damages amounting to P100,000.00.

In their amended answer, the defendants alleged that, to secure his indebtedness of P231,178.60, Pio V. Corpus[1] executed in 1933 a deed of mortgage in favor of Teodoro R. Yangco; that upon failure of the mortgagor to comply with his obligations under the mortgage—payment of yearly installments—Pio V. Corpus executed some time in 1937, a deed of absolute conveyance in favor of Yangco, who thereby became the sole owner of the land.

It appears that after Yangco died (in April 1939), the land was transferred to the Yangco Memorial Foundations in pursuance of certain provisions of his will. Hence the Foundation is also a defendant.

There were other defenses which will hereafter be mentioned.

The case was duly heard; and in an extensive decision describing and analyzing the conflicting evidence of the parties, the Hon. Pascual Santos, Judge, reached the conclusion that the preponderance favored the defendants. He, therefore, dismissed the complaint and awarded costs to defendants. Hence this appeal by the plaintiffs.

The Hacienda Masbate of more than 900 hectares was acquired by Pio V. Corpus during his marriage with Luz Clemente, who died in January 1930. It consisted of "eleven parcels of land, four of which were duly registered under the Torrens system. Herein plaintiffs are the children and grandchildren of the couple, and their legitimate heirs, Pio V. Corpus having died in November 1944.

On October 30, 1933, Pio V. Corpus, and the heirs of Luz Clemente, Vicenta Corpus, Lui3 Quintana, Arturo Corpus, Amanda Corpus and Roman A. Cruz, executed a mortgage deed of the Hacienda Masbate to guarantee payment of an indebtedness in the sum of P231,178.60 payable at least P10,000.00 a year at 8% per annum, in favor of the late Don Teodoro R. Yangco; \* \* \* sometime between the death of Luz Clemente in 1930 and 1935; the possession of the properties enumerated in paragraph 4 of the cause of action of plaintiffs' (Hacienda Masbate) complaint was transferred to Don Teodoro R. Yangco; \* \* \* since the transfer of possession mentioned in the next preceding paragraph, the late Don Teodoro R. Yangco, and after his death, his estate, and thereafter his successor-in-interest have been in possession of said properties; \* \* \* since Don Teodoro R. Yangco took possession of the properties subject of this action, neither he nor his estate, nor his successor-in-interest, have accounted for the income or produce thereof to, any, although the plaintiffs have presented formal written demands, dated October 31, 1951, and November 19, 1951, upon the administrators of the Yangco estate; \* \* \*

during the World War II practically all important documents, especially those referring to the properties involved in this action in the possession of the deceased Teodoro R. Yangco and Pio V. Corpus were lost and/or destroyed, and during the same period all the records of the Register of Deeds of Masbate pertaining to said properties, including the original certificate of title \* \* \* Lots 1, 2, 3 and 4 described in paragraph 4 of plaintiffs' complaint, were originally registered under Act 496 in the name of the deceased spouses Pio V. Corpus and Luz Clemente but same are now registered in the name of the late Don Teodoro R. Yangco Memorial Foundation by transfer from reconstituted titles issued in the name of the late Don Teodoro R. Yangco \* \* \*." (Partial Stipulation of Facts, Record on Appeal pp. 49-52).

It is the plaintiffs' theory that through a verbal arrangement, after the mortgage deed, the Hacienda was delivered to the possession of Teodoro R. Yangco so that the latter may administer it and apply the proceeds to the satisfaction of such mortgage debt.

Two of the plaintiffs' testified to the supposed arrangement, but they were not believed by the trial judge, who chose to give credit to the attorney of Teodoro R. Yangco who swore to having prepared the deed of absolute conveyance, in view of the failure of Pio V. Corpus to pay some yearly installments under the mortgage debt. This attorney also swore to the loss of all copies of the documents of sale and to the presentation of the Torrens titles in the name of Pio V. Corpus to the Register of Deeds of Masbate to obtain new titles in the name of Yangco—as in fact, such titles were issued—only to be replaced later with titles in the name of Yangeo Memorial Foundation to which they were conveyed in pursuance of the provisions of the will of Teodoro R. Yangeo.

Now, considering that such official transfers and registration could not have been made unless true copies of deeds of conveyance had been presented and unless the original certificates of title had been surrendered by Pio V. Corpus in accordance with the contract of transfer to Yangeo;

Considering that from 1934 to 1950 no accounting has ever been made by nor demanded[2] from Teodoro R. Yangco or his executor—which should have been made if the arrangement had really been one of antichresis[3];

And considering further that from 1937 Teodoro. R. Yangeo had been leasing as owner to several persons specific portions of the Hacienda by written contracts executed with the knowledge and participation of one of herein plaintiffs, Luis Quintana;

There seems to be sufficient reasons to sustain the trial judge's conclusion in appraising the conflicting evidence of the parties.

But we do not seem it necessary to pursue this line of approach to reach a decision of this appeals. There is one point which appear to be decisive.

When Teodoro R. Yangeo died in 1939, he left a will, Pio V. Corpus, a nephew, received nothing cut of his uncle's estate unlike his brothers who got big shares; he and his1 heirs would have participated in the estate if his uncle, Yangeo, had left no will. They, therefore, opposed the probate of the will in the proceedings No. 54863 of the Manila court of first instance. They lost there, and also in the Supreme Court. When the project of partition was later filed, they opposed it, contending that the will did not dispose of all Yangco's estate, and that the undisposed portion should be distributed as if Yangco had died intestate. When their opposition was overruled, they appealed to the Supreme Court. Pending such appeal, the parties agreed to an amicable settlement (October 3 1947)' whereby the oppositors—herein plaintiffs—relinquished all claims against the Estate of Teodoro R. Yangeo in the following words: .

### "AGREEMENT FOR COMPROMISE SETTLEMENT AND CESSION OF RIGHTS"

For and in consideration of THIRTY FIVE THOUSAND PESOS (P35,000.00), Philippine Currency, by way of compromise settlement with the appellants in the above entitled' case, to wit, Pedro. Martinez et al., which appellants, represented by Attorney Roman Cruz, said appellants do hereby cede, assign, and transfer all their rights, claims, title and interest, which they may or might have in or to the Estate of Teodoro E. Yangco in favor of the legatees and heirs instituted in the Last Will and Testament of the said Don Teodoro R. Yangco as approved by the Court of First Instance of Manila and confirmed by the Supreme Court; \* \* \*.

It is admitted that in the above testate proceedings of the Manila court of first instance, the Hacienda Masbate was listed in the inventory as one of the properties of the deceased Yangco (Exhs. 10 and 6), to be distributed among the legatees mentioned in the will—excluding the herein plaintiffs. Wherefore, that cession of rights signed by herein plaintiffs, actually cut off whatever claims they may have had—the rights they now assert—to the Hacienda Masbate which was included among the properties of the estate for distribution among the legatees. This relinquishment of rights and the circumstances thereof could even be considered as conclusive corroboration of the evidence adduced by defendants about the execution of a deed of absolute transfer during the lifetime of Pio V. Corpus of the Hacienda Masbate to Teodoro R. Yangco. Indeed, they never asserted in said intestate any rights to the Hacienda, specifically.

In this view of the controversy, we find it unnecessary to pass on the other points raised by the appellants to challenge other pronouncements of the trial court against their right to recover—regarding prescription of action, for instance.

Judgment affirmed, with costs.

Bautista Angelo, Conception, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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[1] With herein plaintiffs as heirs of Luz Clemente, his deceased wife.

[2] Plaintiffs' brief does not specify any date. Defendants state; no demands earlier than 1950 (p. 42, their brief).

[3]"Plaintiff Quintana said, net income was 35,000 to P40,000 a year. A conservative estimate of P35,000 a year would show that the entire debt would have been paid in 10 years. Why no claim for the return until the 17th year? Remember, that Pio V. Corpus died only in 1944 and for ten years, while he lived, he asked no accounting for the products of the Hacienda.

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