

**J. M. TUASON & CO., INC., PLAINTIFF AND APPELLEE, VS.
MIGUEL DE GUZMAN AND LUCIA SANCHEZ, DEFENDANTS AND
APPELLANTS.***G.R. No. L-6938. May 30, 1956*

Ponente: LABRADOR, J.

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This is an action instituted by plaintiff to eject the defendants from two parcels of land situated north of España Extension and east of an imaginary line extending northward from the intersection of said street and Cordillera Street, Quezon City, and to collect the rental value thereof. Defendants deny plaintiff's title to said lands and allege open, public, notorious and continuous possession thereof under claim of ownership from time immemorial. They further claim that if plaintiff has a registered title thereto, the same was secured through collusion with public officials and in fraud of defendants. By way of counterclaim they pray that plaintiff be required to reconvey the lands to them or otherwise pay them the sum of P500,000, value of the property.

There is no question that the lands are within the big parcel originally registered on July 8, 1914 in G.L.R.O. Record No. 7681 under Original Certificate of Title No. 735. The survey of the big parcel took place in 1910 and 1911 and registration proceedings began in September, 1911 (see Exh. "5"). The lands in question are now included in a parcel registered in the name of plaintiff J. M. Tuason & Co., Inc., a corporation, under transfer Certificate of Title No. 1267 (37687) of the Office of the Register of Deeds of Rizal (Exhs. "A" and "B"). Plaintiff is the owner of the lands, having obtained title thereto by purchase from the heirs of D. Tuason, Inc. (Exh. "E"). The evidence shows that about forty or more years ago, one Florencio Sanchez, father of defendant Lucia Sanchez, had been occupying both parcels of land, planting the bigger parcel to rice and corn and the smaller one to sweet potatoes and vegetables, personally and through the help of tenants. Upon the death of Florencio Sanchez in 1919 Toribio Arrinquin cultivated the bigger land for Lucia Sanchez with the assistance of Carlos Javier. Upon Toribio's death, Javier continued the cultivation. Both Toribio and Javier were tenants of Lucia Sanchez and shared the products with her.

In 1940 Lucia Sanchez was asked to declare the land for tax purposes and she did so (Exh. "3"). But her own tax declaration contained the note that it was a duplicate of and included in Tax Declaration No. 764 in the name of J. M. Tuason. While Lucia claims to have paid taxes on the land, no tax receipt was produced by her. In the year 1948 people began to construct their houses on the land, some with Lucia's permission, other without permission at all. Lucia collected rentals from those who were willing. Rentals were from P2 up per house.

It is important to note that defendants did not prove in what concept Lucia Sanchez's father had been occupying and cultivating the lands subject of the action. Neither was there any pretense that her occupation was adverse against the Tuasons or the whole world, except that Lucia, in the course of her testimony, said she attends to the land because she is the owner (t. s. n. Lerma, p. 30). She made this statement when it was disclosed that she has a brother, who has made no claim to the land. On the other hand, plaintiff sought to prove by the testimonies of

Domingo Ramos and Policarpio de Jesus that Lucia's father, one by the name of Sisong Paud, had been paying rentals to the Tuason family; that he died after the first world war, and that upon his death his son continued cultivating the land. The above witnesses showed they knew the land and the deceased father of Lucia Sanchez and knew the character of the land in the neighborhood and knew them to be lands of the Tuasons to whom occupants paid rentals.

A consideration of the facts proved leads to the conclusion that Lucia Sanchez and her father must have occupied and cultivated the land paying nominal rentals to the owners of the land, the Tuason family, or merely by sufferance of the latter. We note that the lands were not used by defendants for building their houses on. Only temporary houses were built thereon for the tillers of the soil.

The trial court correctly declared plaintiff owner of the lands and dismissed defendant's claim of ownership of the lands and their prayer for reconveyance. Plaintiff has a title thereto, which defendants have not been able to contest. No evidence was submitted to show that defendants ever occupied the lands as owners, and adversely against the registered owners. But its award of damages in the sum of P72,000 and P1,800 are not justified. P72,000 represents the interest that the owner would have realized, if the lands were converted into a subdivision and sold. There no competent evidence introduced that the said land could have been sold at the price fixed or that buyers would have paid or could have paid said price. We hold that the damages are speculative. P1,800 was fixed as the sum received by Lucia Sanchez from squatters. But Lucia Sanchez herself testified, on being called as witness for plaintiff, that many of the squatters who constructed their houses did not pay, or if they paid in the beginning, failed to pay later on. All she admitted was P30 a month in 1949 and P50 in 1950 (t. s. n. Duque, p. 15) or a total of P960 for two years. For subsequent years, she refused to state how much she collected. This notwithstanding, the amount could have been around P500. The sum of P1,800 awarded as damages should, therefore, be reduced to P1,500.

The claim of defendants-appellants that plaintiff is not entitled to bring the action because Gregorio Araneta, Inc. is entrusted with the management of the land is without merit. The action is to quiet title and for ejectment, and the party entitled to bring it is the owner, which is the plaintiff. The other claims are so obviously unfounded as to merit any consideration at all.

The judgment is modified insofar as the award of damages is concerned. The award of P72,000 is hereby set aside and that of P1,800 reduced to P1,500. In all other respects the judgment is affirmed, with costs against defendants-appellants.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia JJ., concur.

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