

BASILISA TAN DELGADO, ASSISTED BY HER HUSBAND MIGUEL DELGADO, PLAINTIFF AND APPELLANT, VS. ESTEBAN GAMBOA AND ANGEL JOSON, DEFENDANTS AND APPELLEES.*G. R. No. L-14326. February 28, 1962*

Ponente: DIZON, J.

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Action commenced by the spouses Miguel Delgado and Basilisa Tan Delgado in the Court of First Instance of Isabela to recover from Esteban Gamboa and Angel Joson the ownership and possession of a parcel of agricultural land located in Ilagan, Isabela, and covered by Transfer Certificate of Title No. T-4176 and damages in the amount of P4,200.00 representing the produce thereof from 1952 to 1954, plus P1,000.00 as attorney's fees. The complaint prayed for the appointment of a receiver but the record is silent as to the action taken on the matter by the trial court.

The lot in question was originally registered in the name of Dionisio Rañesis to whom Original Certificate of Title No. I-6755 was issued. After his death, his widow, Maria Castañeda, first sold a portion of three hectares to Angel P. Joson (Exhibit 6), and another portion of two hectares to the same vendee in a private writing on March 31, 1951 (Exhibit 7-a).

Upon the death of Maria Castañeda on December 13, 1951, her brother, Agapito Castañeda, instituted a guardianship proceeding (Special Proceeding No. 1) in the Justice of the Peace Court of Tuguegarao, Cagayan, over the person and property of her minor children named Roberta, Bernardino, Dominador, Dalmacio and Leopoldo, all surnamed Rañesis, and although there had been no previous settlement—summary or otherwise—of the estate of the deceased parents, Castañeda was appointed and qualified as judicial guardian on August 2, 1952 (Exhibit C). Upon his petition, on September 27, 1952 the Justice of the Peace of Tuguegarao authorized him to sell the parcel of land in question and apply the proceeds in a manner beneficial to his wards (Exhibit D). Pursuant to said authority, Agapito Castañeda sold the land to Basilisa Tan Delgado on October 23, 1952 for the sum of P7,000.00 (Exhibit B). As a result, the original certificate of title in the name of Dionisio Rañesis was cancelled and Transfer Certificate of Title No. T-4176 was issued in the name of the vendee. In February, 1954 she mortgaged the land to the Philippine National Bank, Santiago Branch, for P2,000.00, said mortgage having been duly registered.

It also appears that on September 6, 1952,—that is, prior to the issuance of the order of the Justice of the Peace Court authorizing the guardian to sell the property—upon petition of Angel P. Joson, Esteban Gamboa was appointed administrator of the intestate estate of the spouses Dionisio Rañesis and Maria Castañeda by the Court of First Instance of Isabela in Special Proceeding No. 194 (Exhibit 1), letters of administration having been issued to him on September 25, 1952 (Exh. 2); that the only property of the estate consisted of the land covered by Original Certificate of Title No. I-6755 of the Register of Deeds of Isabela assessed at P2,500.00 (Exh. 3); that the court, upon motion of administrator Gamboa, issued an order dated May 5, 1953 requiring Agapito Castañeda,

who was then in possession of the certificate of title, to surrender the same (Exh. 5), but the order was not complied with.

The present action was instituted by Basilisa Tan Delgado when Esteban Gamboa, as judicial administrator of the intestate estate of the Rañesis spouses, and Angel Joson, who was in possession of certain portions of the land in question by virtue of the deeds of sale executed in his favor by the deceased Maria Castañeda, refused to vacate the land and to account for the products gathered by them from 1952 to 1954.

After due trial, the trial court rendered the appealed judgment, the dispositive portion of which reads as follows:

"For all the foregoing considerations, the Court enters judgment (a) declaring, as it hereby declares, null and void the sale of the property in question made by Agapito Castañeda in favor of Basilisa Tan Delgado without prejudice to the right of the latter to recover the sum of P7,000.00 from Agapito Castañeda as guardian in Special Proceeding No. 1 of Tuguegarao, Cagayan; (b) ordering the Register of Deeds of Isabela to cancel Transfer Certificate of Title No. T-4176 and to issue in lieu thereof another Transfer Certificate of Title in favor of the original registered owner with the corresponding annotation at the back thereof of the lien in favor of the Philippine National Bank, and (c) ordering plaintiff Basilisa Tan Delgado to pay to the Philippine National Bank the sum of P2,000.00, or to pay said amount to the administrator Esteban Gamboa who, upon receipt of the sum, shall apply it to the payment of the said loan of P2,000.00 The complaint is dismissed without special pronouncement as to costs."

Appellant Basilisa Tan Delgado now contends that the trial court committed the following errors:

"1. The Court a quo erred in stating that 'the concurrent jurisdiction therein conferred on Justice of the Peace and Municipal Courts in the appointment of guardians over the property of the ward, be it personal or real, must be understood to refer to such property found or situated within the territorial jurisdiction of said inferior courts';

"2. The Court a quo erred in viewing that 'the sale of the property in favor of the plaintiffs is also null and void because as a result of the Special Proceeding No. 194 filed with the Court, the land covered by Original Certificate of Title No. I-6755 had already been in custodia legis by the Court at the time said property was sold to the plaintiff' ".

The sale made by the guardian as mentioned above, cannot stand, firstly, because of our decision in *Morales vs. Maiquez, et al.*, (G. R. No. L-7463, promulgated on May 27, 1955) and secondly, because at the time the Justice of the Peace Court of Tuguegarao issued the order authorizing said guardian to sell the parcel of land in question, the same was already in custodia legis as a result of the proceedings for the settlement of the estate of the deceased spouses Dionisio Rañesis and Maria Castañeda (Special Proceeding No. 194 of the Court of First Instance of Isabela).

In the *Morales* case we said the following:

"Republic Act No. 643 originated in the Senate as S. No. 159. In the original bill the term 'persons' was substituted for the term 'litigants in their courts' in Section 90 of the Judiciary Act of 1948, and concurrent jurisdiction is granted to appoint guardians or guardians ad litem for them (persons). Under Section 2 of the bill concurrent jurisdiction is granted 'in cases where the value of the property of such minor or incompetent falls within the jurisdiction of the latter courts.' We see in these two provisions an evident intention to grant jurisdiction over persons only and when the guardianship involves properties of a ward when said properties are worth two thousand pesos or less. In the final draft approved, the phrase 'involving amounts' contained in Section 1 of the original bill S. No. 159, was eliminated, and the phrase 'in matters within their respective jurisdiction' retained. The retention of this last phrase at first would seem to give the impression that inferior courts are granted concurrent jurisdiction only when the amount of the property of the ward or wards is two

thousand pesos or less. But this is expressly covered by the next section, which already grants this class of jurisdiction. The phrase left in the law, 'in matter within their respective jurisdiction,' will have no possible application if it is held to refer to jurisdiction over the subject matter, because there are no guardianship proceedings over which justice of the peace courts have jurisdiction, and the next section already covers guardianship cases in which the amount or value of the property in controversy is within the jurisdictional amount of the justice of the peace courts (two thousand pesos or less). On the other hand the grant is with respect to persons only, not with respect to guardianship over properties of wards as in the next grant. The only inference that may be drawn from these circumstances is that the grant in Section 1 of Republic Act No. 643 is as to persons only not as to properties of wards, and the retention of the phrase 'in matters within their respective jurisdiction' must have been motivated by a desire for clearness, i.e., that the jurisdiction granted is for the appointment of guardians for persons only within their territorial limits. No other reasonable interpretation could be given thereto.

"The above interpretation is confirmed by the enactment of Republic Act No. 644, also amendatory to the Judiciary Act. The bill, which later became Republic Act No. 644, was House Bill No. 812. The original bill purported to grant jurisdiction to justice of the peace courts in adoption cases only, but the final law as passed includes cases of appointment of guardians or guardians ad litem. The amendment (grant of jurisdiction in the appointment of guardians and adoption cases) was inserted in the general provision granting jurisdiction to supplement and complement the express grant in Republic Act No. 643." (Morales vs. Maiquez, et al, G. R. No. L-7463, May 27, 1955)

But even granting that, under the law, Justice of the Peace Courts have concurrent jurisdiction with the Courts of First Instance of the province over the guardianship not only of the person but also of the properties of minors and incompetents, that jurisdiction cannot be exercised when, as in this case, the estate has a value in excess of the jurisdictional amount for said courts. As is clear from the record, the property involved in the guardianship proceedings mentioned heretofore had a value of at least P7,000.00.

In view of the foregoing, we deem it unnecessary to resolve the other questions raised in appellant's assignment of errors.

Wherefore, the appealed judgment is hereby affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and De Leon JJ., concur.

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