

**GODOPREDO SIMBRE, ET AL., PLAINTIFFS AND APPELLANTS, VS.
MOISES AGUSTIN, ET AL., DEFENDANTS AND APPELLANTS.***G. R. No. L-11071. October 30, 1958*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/206165bfe9f6/>**LABRADOR, J.:**

Plaintiffs-appellants are the children and heirs of the deceased spouses Eulogio Simbre and Eustaquia Sudaria, residents of barrio Mabilang, Paniqui, Tarlac. On May 3, 1929, Eulogio Simbre, without the knowledge or consent of his wife, sold two parcels of land, known as lots Nos. 699 and 781 of the cadastral survey of Paniqui, Tarlac. At the time of the sale the wife was living separate and apart from her husband, and the separation continued until their deaths. The sale was made by Eulogio Simbre in favor of Placido Agustin, and the defendants are the latter's children and heirs. Copy of the deed is transcribed on the complaint and it recites that the price received from the sale is P550. But notwithstanding the fact that the sale was made on May 3, 1929, the document evidencing the same was not registered in the registry of deeds of Tarlac until January 10, 1955.

The plaintiffs in their complaint seek to recover the undivided one-half of the above parcels of land, as heirs of their deceased mother, Eustaquia Sudaria. It is alleged therein that the land is conjugal property, and that the sale never redounded to the benefit of the partnership of Eulogio Simbre and Eustaquia Sudaria because the said spouses, at the time of the transaction, were living separately and were never reconciled thereafter. It is alleged further that as the plaintiffs, as heirs of their mother, are the owners of one-half of said parcels of land, they are entitled to share in the produce thereof. They, therefore, ask for damages consisting of their share in the products, fees of counsel, and costs.

The defendants presented a motion to dismiss the complaint on two grounds, namely, that the complaint fails to state on its face a cause of action, and second, that plaintiffs' cause of action, if any, has prescribed by operation of law. The court *quo* sustained the motion to dismiss on the second ground, holding that the cause of action of the plaintiffs had prescribed, the same having arisen in 1929 and the action not having been brought within the 10-year period from the date of the sale.

Against this decision an appeal has been prosecuted to this Court, wherein it is claimed, in behalf of plaintiffs-appellants, that inasmuch as the lands were registered lands, the registered owners can not be deprived of their title thereto by prescription. It is also claimed that the lower court erred in holding that the cause of action accrued from the date of the execution of the instrument.

The sale evidently falls under Article 1413 of the old Civil Code, which provides:

"Art. 1413. In addition to his powers as manager the husband may for a valuable consideration alienate and encumber the property of the conjugal partnership without the consent of the wife.

"Nevertheless, no alienation or agreement which the husband may make with respect to such property in contravention of this Code or in fraud of the wife shall prejudice her or her heirs."

It can be seen from the first paragraph of the above-quoted provision that a sale executed by the husband of the conjugal property for a valuable consideration without the consent of the wife is not null and void. Authority is expressly granted to the husband to make such sale, although such authority is limited by the provisions of the second paragraph to the effect that the sale should not contravene the code and should not be made in fraud of the wife. In these cases it should not prejudice the rights of the wife or her heirs. As the wife did not know of the sale, it can be assumed that it was made in fraud of her. But the prejudice to her or to her heirs can be determined only at the time of the liquidation of the conjugal partnership property, in accordance with the provisions of Article 1419 of the old Civil Code. (9 Manresa, pp. 578-581; Baello vs. Villanueva, 54 Phil. 213.)

The complaint does not state when the wife of the vendor died. It is from the death of the wife that the liquidation of the conjugal partnership property takes place (Art. 1418, old Civil Code), and it is from that date also that the heirs of the wife could have brought an action to defend the rights that had been prejudiced by the sale. As no date is given in the complaint when the death of the wife occurred, it was error for the lower court to hold that the cause of action had prescribed.

However, we find that there is no allegation in the complaint that a liquidation of the conjugal partnership properties of the spouses Eulogio Simbre and Eustaquia Sudaria has been made, and that the rights of Eustaquia Sudaria, the wife, and her heirs have been prejudiced by such sale. This allegation of prejudice, therefore, is a mere conclusion, as no facts are alleged in the complaint why there was such prejudice and what such prejudice consists of. It is, therefore, apparent that the plaintiffs' complaint fails to state a cause of action.

For the above considerations, the judgment appealed from is hereby affirmed, not because the action of the plaintiffs-appellants has prescribed, but because the plaintiffs' complaint fails to state a cause of action. Costs against plaintiffs-appellants.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Reyes, J. B. L. and Endencia, 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.