

ANDRES ACHONDOA, PLAINTIFF AND APPELLANT, VS. MARCELO ROTEA, JOAQUINA ROTEA, BEATRIZ ROTEA AND PASTORA ROTEA, DEFENDANTS AND APPELLEES.*G.R. No. L-5340. August 31, 1954*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/237d7bfd5e31/>**PADILLA, J.:**

On 20 March 1933 Joaquina, Beatriz and Pastora surnamed Rotea, the last two represented by their attorney-in-fact Marcelo Rotea, for and in consideration of P1,800, conveyed and sold to Andres Achondoa a steam sugar cane mill, 12 H. P., manufactured by A. & W. Smith & Company, Ltd., Glasgow, together with its boiler, 14 H. P., a carriage and caldrons, the sale being evidenced by an instrument acknowledged before notary public Jose M. Romero (Exhibit M). But prior to that sale or on 18 February 1932, Marcelo Rotea, in his behalf and in behalf of Joaquina, Pastora and Beatriz, transferred and assigned to his brother Jose Rotea the same steam sugar cane mill found in the Hacienda San Rafael in the municipality of Tanjay, Oriental Negros (Exhibit O). Andres Achondoa sent Manuel Bastida, a mechanic, to the Hacienda San Rafael who took possession of the mill, dismantled it partly and sent some parts thereof to the land of Achondoa in the barrio of Tipanoy, municipality of Iligan, Province of Lanao. While Manuel Bastida was thus engaged in dismantling the mill, Laureano Flores, to whom Jose Rotea allegedly had sold the steam sugar cane mill, brought an action in the Court of First Instance of Oriental Negros to be declared owner of the steam sugar cane mill, to prevent Achondoa and his mechanic Bastida from dismantling, removing and transporting the said steam sugar cane mill or parts thereof, to enjoin perpetually the defendants from molesting him in the enjoyment of the possession of said steam sugar cane mill, and to recover damages and costs (Civil Case No. 826, Court of First Instance of Oriental Negros; Exhibit A). After hearing the Court of First Instance of Oriental Negros rendered judgment declaring Laureano Flores owner of the steam sugar cane mill and all its accessories, making final the writ of preliminary injunction issued against Achondoa and Bastida, their agents and representatives, and ordering them to pay the costs. On appeal the Court of Appeals reversed the judgment of the trial court and held that Andres Achondoa was the lawful owner of the mill because as vendee he was the first to take possession thereof. As to the counterclaim for damages in the sum of P32,000, the Court of Appeals held that the amount of damages allegedly suffered by Andres Achondoa was of speculative character, because he was found to have been planting sugar cane in the tract of land where the mill was to be installed and used since 1931, or long before he bought the sugar mill in litigation. The judgment of the appellate court reserved to Laureano Flores whatever right he may have against Jose Rotea (Exhibit B). The judgment of the Court of Appeals just referred to was promulgated on 29 December 1939. But on 29 June 1939, or before the appeal was decided by the Court of Appeals, Andres Achondoa commenced this action against Marcelo, Joaquina, Beatriz and Pastora surnamed Rotea in the Court of First Instance of Occidental Misamis to rescind the contract entered into on 20 March 1933 by and between him and the Roteas (Exhibit M), and to recover from the defendants the sum of P1,800, the purchase price paid by him for the steam sugar cane mill, together with lawful interest thereon from that day, the further sum of P51,000 as damages and costs. After summons the defendants filed a general denial answer to forestall their being declared in default. On 11 December

1940, the date set for the hearing of the case, the attorney for the defendants sent a telegram to the court praying for the continuance of the hearing as he was busy then appearing in a case in the Manila court, but the motion was denied and the plaintiff allowed to present his evidence in the absence of the defendants and their attorney. On 22 March 1941, the Court of First Instance of Occidental Misamis rendered judgment rescinding the contract of purchase and sale of the sugar cane mill executed by and between the plaintiff and the defendants and ordering the latter to pay back to the former the sum of P1,800, the purchase price of the mill, together with lawful interest from 20 March 1933, the further sum of P75,223.25 as damages and costs. A motion to set aside the judgment and for a new trial was denied. The defendants appealed. Briefs were filed but before judgment could be rendered the Pacific war broke out and the record was destroyed during the battle for liberation of the City of Manila. Steps were taken to have the record reconstituted and on 13 November 1947 this Court adopted the following resolution :

In reconstitution Case G. R. No. L-1256, Achondoa vs. Rotea, et. al., the Court ordered that a new trial be held in the Court of First Instance of Occidental Misamis for the purpose of receiving evidence not yet of record.

On 16 October 1948, the defendants filed an amended answer alleging that after the contract was executed and receipt of the purchase price, they made delivery of the steam sugar cane mill to the plaintiff, by placing him in material possession thereof, so much so that many of its parts were already sent to Iligan by the plaintiff; that if the whole mill was not fully dismantled and sent to its destination, it was due to causes beyond the control and will of the defendants and without any fault on their part, because Laureano Flores instituted the action already referred to against Andres Achondoa et al.; that in said case the Court of Appeals declared Andres Achondoa the lawful owner of the steam sugar cane mill because he took possession thereof and that the question of damages allegedly suffered by Andres Achondoa was threshed out, passed upon and decided by the Court of Appeals in the case referred to between Laureano Flores, on the one hand, and Andres Achondoa and Manuel Bastida, on the other. By way of special defense, Marcelo Rotea in his own behalf and as judicial administrator of his co-defendants, the late Joaquina, Beatriz and Pastora surnamed Rotea, alleged that they had acted in good faith in entering into the contract of purchase and sale of the mill; that they did not know the purpose for which the plaintiff acquired the mill; that if they did finally consent to sell it to him it was due to the latter's request and insistence; that they were not aware of the alleged sale of the mill by their brother Jose Rotea to Laureano Flores; that a few days after Marcelo Rotea had assigned and transferred the mill in question to his brother Jose, which transfer was subject to the approval of their father, Jose Rotea was notified by telegram by his father objecting to the assignment and transfer of the mill to him; that until the time the action was instituted by Laureano Flores and injunction issued by the Court of First Instance of Oriental Negros, the defendants did not know nor were they aware that there had been such cession or assignment of the mill to Laureano Flores as there had been no prior valid assignment thereof to Jose Rotea, the predecessor or vendor of Laureano Flores; that the validity of the sale made by the defendants to the plaintiff has already been passed upon and decided by the Court of Appeals and is now res judicata; that after the institution of the action by Laureano Flores against the herein plaintiff Achondoa, as evidence of their good faith the defendants engaged the services of an attorney to defend the herein plaintiff, then defendant, paid for the attorney's fees, presented witnesses to the court, secured and furnished the attorney with documentary evidence, and paid the expenses incurred in connection with the appeal to the Court of Appeals after an adverse judgment had been rendered by the Court of First Instance of Oriental Negros which was reversed by the Court of Appeals; that damages allegedly suffered by the plaintiff, if any, could not be laid upon the defendants; that it is not true that the plaintiff planted sugar cane in his land in Iligan in 1933 only when he acquired by purchase the mill, because the plaintiff had planted sugar cane in the land since 1931. The admission of this amended answer was objected to by the plaintiff. After hearing at which the defendants presented their evidence, the record was forwarded to this Court for final disposition, but on 6 March 1950 the record was

returned to the trial court pursuant to the following resolution:

In reconstitution case L-1256, Andres Achondoa vs. Marcelo Rotea, et al., in which a new trial was held in the Court of First Instance of Misamis Occidental for the reception of evidence not yet of record, the Court ordered that said case be returned to said Court of First Instance for new decision as in a new trial.

Conformably thereto, the Court of First Instance of Occidental Misamis rendered judgment dismissing the complaint, with costs against the plaintiff. A motion for new trial was denied. Hence this appeal.

The evidence shows that the sale by the defendants to the plaintiff of the mill in question was made in good faith and at the latter's insistent requests and that the transfer or assignment of the mill to Jose Rotea was ineffective and invalid because of the objection of their father Luis Rotea who was a co-owner of the mill. Not only did Luis Rotea express his objection to the assignment of the mill to his son Jose Rotea in a telegram sent from Manila to Emeteria Gonzales on 22 February 1932 (Exhibit I), but also in his letter to his children dated 25 February 1932 (Exhibit K). Granting that Laureano Flores did not know of such objection, still the fact remains that as the assignment by way of donation to Jose Rotea, the predecessor and vendor of Laureano Flores, was made in a private instrument it could not prevail over the sale of the mill made in a public document to Andres Achondoa who took possession thereof. A consummated sale cannot be resolved but only upon certain grounds provided for by law. If he failed to dismount completely and ship the whole mill to his land in barrio Tipanoy, municipality of Iligan, Province of Lanao, it was not due to any fault imputable to the defendants, for as vendors in good faith of the mill sold they did all what was expected of them. Not only did the vendors place the vendee in possession of the mill but also when his possession was disturbed by the filing of an action in which a writ of preliminary injunction was issued against him (the vendee), they (the vendors) engaged and paid for the services of an attorney to defend the sale made by them to him and furnished the attorney with witnesses and documentary evidence necessary for his defense and when the case was decided adversely against the vendee they with the latter's consent caused the case to be appealed to the Court of Appeals and secured a reversal of the judgment.

In the case appealed to the Court of Appeals, the vendee, then defendant-appellant, set up a counterclaim for P32,000 for his failure to make use of the mill because of the injunction issued by the Court of First Instance of Oriental Negros. Passing upon that point of damages for P32,000 allegedly suffered by the then defendant-appellant, the Court of Appeals held that said damages were of speculative character and dismissed the counterclaim.

It appearing that in 1933 the plaintiff-appellant planted his land in Iligan with sugar cane not in anticipation or expectation that he would acquire the mill from the defendants, because in 1931, or two years before, he had planted it with sugar cane, the claim for damages of Andres Achondoa is without basis in law and in fact.

The judgment appealed from is affirmed, with costs against the appellant.

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion and Reyes, J. B. L., 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.