

GLICERIA RAMOS, ET AL., PLAINTIFFS AND APPELLANTS, VS. JULIA CARINO, ET AL., DEFENDANTS AND APPELLEES. RUFINO MEJIA ET AL., INTERVENORS AND APPELLEES*G. R. No. L-17429. October 31, 1962*

Ponente: LABRADOR, J.

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This is an appeal from a judgment of the Court of First Instance of Pangasinan, Honorable Lourdes P. San Diego, presiding, dismissing the action instituted by plaintiffs, declaring the defendants and intervenors owners of the parcels of land sought to be recovered in the complaint, etc.

Plaintiff alleges in her complaint that during the lifetime of the spouses Gaspar Ramos and Angela de Guzman, they were owners of three parcels of land situated in the Municipality of San Jacinto, Pangasinan, having acquired the same during their marriage; that plaintiff Gliceria Ramos and deceased Alejandro Ramos are the children of the said spouses Gaspar Ramos and Angela de Guzman; and by the provisions of the law of succession plaintiffs became owners in equal parts of the said three parcels of land; that upon the death of Gaspar Ramos his widow administered the properties and delivered to plaintiff her share in the products thereof; that upon the death of the widow Angela de Guzman, Alejandro Ramos continued delivering plaintiff's share in the products of said lands; that similarly upon the death of Alejandro Ramos, his widow Julia Carino continued giving plaintiff her share of the products of the lands in question until the year 1948; but that in 1949 the widow Julia Carino stopped giving plaintiff her share in the products, alleging that she and her children are sole owners thereof, etc., etc.

Subsequently an amended complaint was filed whereby Estefania Sondag was included as a party defendant as purchaser of the second parcel of land. It is further alleged therein that Angela de Guzman, widow of Gaspar Ramos, donated that land to her son Alejandro Ramos, but said donation is null and void and the certificate of title issued in the name of Alejandro Ramos by reason of the said donation is also null and void because said donation deprived plaintiff of her share as heir in the donor's properties. The defendants answered the complaint denying the material allegations thereof and alleging that the lands subject of the action were acquired by Alejandro Ramos as a donation from his mother Angela de Guzman, with the knowledge and consent of the plaintiff; that when Alejandro Ramos married Julia Carino the three parcels of land were donated to the latter, and since then the latter had always been in possession of the lands openly, peacefully, adversely, publicly, continuously and uninterruptedly in the concept of owner without opposition on the part of the plaintiff; that the said lands had been sold with the consent of the Court to the defendant Estefania Sondag and the latter had been in adverse possession thereof for more than twenty years.

Rufino Mejia intervened in the action alleging that he is the owner of the third parcel of land subject of the complaint, having acquired the same from the late Alejandro Ramos in 1943. Maximo Mejia also filed a motion for intervention and in his complaint alleged that he had acquired one of the parcels of land in question (Lot No. 1 covered by Transfer Certificate of Title No. 1738 in the name of Alejandro Ramos); that he had secured a transfer

certificate of title of the land since 1950 and had been in possession thereof since the time of his acquisition up to the present.

In answer to the complaint in intervention filed by Kufino Mejia plaintiff alleged that one-half of the laiid allegedly sold to the said intervenor belongs to her; that Rufino Mejia is a relative of Gliceria Ramos and the purchase by him of the property was made in bad faith. Answering the complaint in intervention of Maxima Mejia plaintiff denied all the allegations and alleged by way of special defense that the said intervenor is not a purchaser in good faith because he purchased the property knowing that the same belongs to the minor heirs of Alejandro Ramos, etc.

The documents submitted at the trial of the case show that the first two parcels of land subject of the complaint were originally registered in the name of Angela de Guzman, with title thereto, Original Certificate of Title No. 25500, issued in her name on October 16, 1923. (Exh. "B") On December 20, 1940 Angela de Guzman donated said parcels of land to Alejandro Ramos, her son, and thereupon the original certificate of title issued in the name of Angela de Guzman was cancelled and Transfer Certificate of Title No. 17338-P issued in the name of Alejandro Ramos. (Exh-"9") In the year 1950 Julia Carino, wife of Alejandro Ramos, was appointed guardian of her minor children. Subsequently Julia Carino and the minors sold Lot No. 1 of the lands registered in the name of Alejandro Ramos to Maximo Mejia. The sale was annotated at the back of the certificate of title on May 23, 1950 (Exh. "9-b"). Pursuant to an authority granted by the Court, Julia Carino sold Lot No. 2 in the title of Alejandro Ramos to Estefania Sondag and this sale was registered at the back of the certificate of title on June 7, 1951. This land is now registered in the name of Estefania Sondag under Transfer Certificate of Title No. 10677. (Exh. "10")

The court makes the following finding as to whether or not the purchase of said Lots 1 and 2 by the defendants Sondag and Mejia was a purchase in bad faith:

"The plaintiff has not convincingly shown bad faith on the part of either the defendant Estefania Sondag or Maximo Mejia, the intervenor so that, for which reason, their purchase of the lands in question and their acquisition of transfer certificates of title thereto in due course be nullified their purchase may not be revoked even if the seller, as alleged in the complaint, has acquired the title thru fraud, (Raymundo, et al., vs. Afable, 96 Phil., 655; 51 Off. Gaz. [3] 1329). * * *"

As regards the third parcel of land the Court below held:

"With regard to parcel (3), plaintiff has not even established the fact that it formerly belonged to her parents. * * * Whereas, parcel (3) comprises 2,572 square meters and has for boundaries on the North Mariano Urbino; on the East, Francisco Mejia; on the South, the same; and on the West, Moises Sta. Cruz, the subjectmatter of Exhibits "D" and "F" comprises 50,973 square meters, bounded on the North by the old Pozorrubio-San Jacinto Road; on the NE by Valentine Cruz, Lazaro Perez and Maria Cruz; and on the SE by Silvestre Callao; and the subject-matter of Exhibit "E" is a piece of land 20,241 square meters in area with boundaries on the North, Mariano Mejia, Francisco, Maximo and Emilia Mejia; on the South, Salvador del Mundo; and on the Southwest, Engracio de Guzman. On the other hand, defendants and intervenor Rufino Mejia are in possession of a deed of sale, covering a piece of land with the exact area and boundaries as parcel (3) of the complaint, dated as early as 1943, i.e., during Alejandro Ramos' lifetime, executed by the latter in favor of Rufino Mejia."

As to the first two lots, plaintiff's cause of action cannot be sustained for two important reasons. The first is plaintiff's failure to prove that the properties donated by Angela de Guzman to her son Alejandro de Guzman are the only properties of which she was seized at the time of her death or at the time of the donation. In order that the donation can be considered inofficious such as to deprive plaintiff's rights as forced heir of Angela de Guzman, plaintiff should have proved that the value of the property donated exceeds the value of the free portion plus the donee's share in the properties of the donor (Arts. 750, 752, Civil Code).

The second reason is the fact that the two properties have already been sold by Alejandro Ramos to the defendant Sondag and the intervenor Maximo Mejia both of whom now hold certificates of title in their own names. No evidence having been submitted by plaintiff that they acquired the Lots in bad faith, then good faith is presumed (Art. 527, Civil Code) and their titles are valid.

With respect to the third lot, the court below has found that plaintiff's evidence referred to another lot, a bigger one. There was a failure on the part of plaintiff to prove that it belonged to plaintiff's father and/or mother, and also failure on her part to show that, even tho it belonged to her parents, the transfer to Alejandro Ramos is in-officious, so that plaintiff could be adjudged entitled to a share therein as heir of her parents.

Wherefore, the judgment of the court below is hereby affirmed. With costs. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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