

JULIANA ABRAGAN ET AL., PLAINTIFFS AND APPELLANTS, VS. RITA G. DE CENTENERA ET AL., DEFENDANTS AND APPELLEES.*G.R. No. L-22173. September 25, 1924*

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/275331282670/>**STREET, J.:**

By the amended complaint filed in this cause in the Court of First Instance of the Province of Camarines Sur on January 18, 1923, the plaintiffs, Juliana Abragan and her daughter, Julieta Abragan, seek to recover from the defendant, Jose N. Garchitorena, administrator of the estate of Andres Garchitorena, deceased, three parcels of real property described in paragraph I of the complaint; to obtain a judicial declaration that said property belongs in usufruct to the plaintiff, Juliana Abragan, with the nude ownership in her daughter, Julieta; and further to recover a sum of money as alleged damages for detention of the said properties. Upon hearing the cause the trial court absolved the defendants from the complaint and the plaintiffs appealed.

It appears that Julieta G. Abragan is the natural daughter of Don Andres Garchitorena, deceased, formerly a resident of the municipality of Tigaon, in the Province of Camarines Sur. Not long before his death in the year 1921 the said Andres Garchitorena executed two deeds of gift, Exhibits A and B, bearing the date of February 10, 1920, though the correct date was evidently 1921. The first of these documents conveys by way of gift to Julieta G. Abragan and her mother Juliana Abragan, two parcels of property, namely, first, a piece of land planted with fruit-bearing coconut trees and having an area of nine hectares, located in the barrio of Matacla, in the municipality of Goa, Camarines Sur, valued at P2,000; and, secondly, a building lot in the pueblo of Tigaon, of an area of 446 square meters, containing a warehouse (camarin) for commercial use, and having a value of P1,900. The instrument gives to the mother, Juliana, the usufruct in these properties and to the daughter, Julieta, the nude ownership. By the second instrument (Exhibit B) the same donor gives to the same donees and in the same manner a piece of hemp land having an area of twenty hectares, and located in the barrio of Tinawgan, municipality of Tigaon, Camarines Sur. Both of these instruments contain an acceptance of the gifts on the part of Julieta G. Abragan, aided by her mother Juliana; but owing to circumstances not necessary to be here set out, neither document was at any time acknowledged before a notary public.

After the death of the donor, Rita G. de Centenera, who is the sole heir of Andres Garchitorena, qualified as special administratrix of his estate; and on April 1, 1921, she executed a public document (Exhibit D) in which she recites that her deceased father had in life made two donations in favor of his daughter, Julieta G. Abragan, and Juliana Abragan, vesting the nude ownership in Julieta and the usufruct in Juliana. The declarant then proceeds to give a description of the two properties described in the deed of gift Exhibit A, but making no mention of the hemp land described in the document Exhibit B; and she declares that, being the universal heir of all the property left by her deceased father, she recognizes said donations as his last expressed will, "in order that they may have full legal effect in the premises" (para que tengan sus efectos, cuantos en derecho lugar haya).

After this document had been executed and delivered, Rita G. de Centenera ceased to be special administratrix of the estate of her father and one Jose N. Garchitorena was appointed as administrator in her stead. The properties

mentioned in the deeds of gift appear to have come into the possession of the said administrator of Andres Garchitorena, who now refuses to recognize the validity of the donations. The present action was therefore instituted by the Abragans, mother and daughter, to test their rights upon the facts above recited.

It is quite evident, as declared by the trial judge, that these deeds of gift, Exhibits A and B, had no effect whatever per se, for the reason that the instruments referred to never took the form of a public document and were not accepted by the donees in any public document in the life of the donor. (Velasquez vs. Biala, 18 Phil., 231; Abellara vs. Balanag, 37 Phil., 865.) Nor can it be said that the donations are onerous and subject to the rules governing contracts (art. 622, Civ. Code), although said donations are declared by the donor to rest in part upon consideration of the past services rendered to him by Juliana Abragan. A gift in compensation for services is considered to have been made upon an onerous consideration (causa onerosa) only when the services which constitute the determining cause have not yet been rendered. (Carlos vs. Ramil, 20 Phil., 183.)

It appears that the deed of conveyance of the hemp land, Exhibit B, imposes on the donee the duty to pay off a mortgage for P5,000 in favor of the Philippine National Bank; and it is suggested that this gift should be considered as having been made upon an onerous consideration from the existence of this obligation, but it is clear that it cannot be so considered. As was said by Chief Justice Arellano in Castillo vs. Castillo and Quizon (23 Phil., 364, 367), "A gift of this kind is not in fact a gift for a valuable consideration, but is remuneratory or compensatory, made for the purpose of remunerating or compensating a charge, burden or condition imposed upon the donee, inferior to the value of the gift, * * *" and under article 622 of the Civil Code such a gift is governed by the provisions relating to gifts and not contracts.

It remains to consider what effect, if any, can be attributed to the deed executed by Rita G. de Centenera after her father's death, in which she, in her own right and as sole heir of her father, recognized the validity of the gifts contained in Exhibit A (not Exhibit B). Upon this point it is at once obvious that this act cannot be considered as having retroactively perfected the gifts attempted to be made in the Exhibit A. But we are of the opinion that this document should operate, with respect to the lands mentioned therein, as a quitclaim on the part of Rita G. de Centenera, and she is estopped from asserting any right to said properties. In this connection we note that the commentator Manresa cites a decision of the supreme court of Spain, from June 12, 1896, in which a ratification by the heirs of a deceased donor was given effect although the deed of gift had never been accepted in the form required by law. (5 Manresa, 2d ed., 115.) The deed of ratification in the case before us was based upon a commendable motive, which was the desire of the declarant to give effect to the wishes of her father. This was a good consideration in law and sufficient to give legal effect to the instrument, though not precisely in the sense expressed. It is needless to say that this document could not be given effect to the prejudice of creditors of the estate of a deceased person, and while we hold that it is effective for the purpose of raising an estoppel against the heir, the plaintiffs cannot maintain this action against the administrator of the donor. It will therefore be necessary for them to intervene in the proceedings in administration and ask that their rights to the properties covered by Exhibit A be there recognized.

A judgment of affirmance pro forma must therefore be entered, without prejudice to the rights of the plaintiffs to assert their rights by a proper proceeding in the administration of the estate. The judgment will be affirmed, without express pronouncement as to costs. So ordered.

Johnson, Malcolm, Avancena, Villamor, Ostrand, and Romualdez, 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.