

**INTESTATE ESTATE OF JOAQUIN NAVARRO AND ANGELA JOAQUIN,
DECEASED. RAMON JOAQUIN, PETITIONER AND APPELLANT, VS.
ANTONIO C. NAVARRO, OPPOSITOR ARID APPELLEE.**

G.R. No. L-7544. May 31, 1956

Ponente: PADILLA, J.

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PADILLA, J.:

In special proceedings No. 70708 of the Court of First Instance of Manila, Ramon Joaquin, the duly appointed administrator of the estate of the deceased spouses Joaquin Navarro and Angela Joaquin, made and returned to the Court an amended inventory and appraisal of all the real and personal properties of the deceased spouses which came into his possession or knowledge, pursuant to section 1 (a), Rule 82, and section 1, Rule 84. A parcel of land located on San Marcelino street, district of Ermita, city of Manila, containing an area of 1,553.20 sq. m., described and delimited in original certificate of title No. 3377 of the office of the Registrar of Deeds in and for the city of Manila, was included in the aforesaid inventory among the paraphernal properties of the late Angela Joaquin.

Antonio C. Navarro, a child of the late Joaquin Navarro, objected to the characterization of the real properties listed as Nos. 1, 2, 3 and 4 under the heading of "paraphernal property of Angela Joaquin" in the amended inventory and alleged that said four lots belonged to the conjugal partnership of the deceased spouses, especially the parcel of land designated as No. 4; that the inclusion in the amended inventory of the alleged paraphernal properties consisting of jewelry, gold coins, personal and realty, disposed of during the marriage, was not lawful; and that the value of the inventoried real estate was not the true and correct one.

The contending parties in this case are heirs of the late spouses, the administrator Ramon Joaquin being a son of the late Angela Joaquin, and the oppositor Antonio C. Navarro, a legitimate child of the late Joaquin Navarro by another marriage.

After hearing, the probate court held that the parcels of land known as lot No. 6, block No. 1832, and lot No. 9, block No. 1846, covered by transfer certificate of title No. 8096 of the office of the Registrar of Deeds in and for the city of Manila, and lot No. 6, block No. 3001, covered by transfer certificate of title No. 27669 of the same office, were paraphernal properties of the late Angela Joaquin, but that the parcel of land listed as No. 4 under the heading of "paraphernal property of Angela Joaquin" in the amended, inventory was conjugal property of the late spouses Joaquin Navarro and Angela Joaquin. The "value of the jewelry, gold coins and personalty of Angela Joaquin sold or otherwise disposed of during marriage" was ordered excluded from the inventory because they were not found among the properties left by the deceased spouses. The probate court directed the administrator to return an amended inventory in accordance with its judgment and to furnish the Collector of Internal Revenue with a copy thereof so that the inventoried properties may be appraised by the inheritance tax appraisers of the Bureau of Internal Revenue, in accordance with the provisions of section 1, Rule 84.

A motion for reconsideration filed by the administrator, objected to by the oppositor, was denied. The administrator appealed.

Upon motion of the parties filed on 19 June 1953, reiterated on 28 December of the same year by the appellant, by resolution of 11 January 1954 the appeal was certified by the Court of Appeals to this Court for the reason that the issues involved in the case are purely legal.

It appears that on 18 February 1909 Joaquin Navarro and Angela Joaquin who were about to get married signed in the presence of two witnesses and a "notary public an ante-nuptial agreement known as capitulaciones matrimoniales where they listed real estate, cash, jewelry and furniture belonging to Angela Joaquin and whereby the parties agreed that Angela Joaquin reserved or retained the right to administer (manage) all her properties listed in the agreement. For the purpose of this opinion the other stipulations need not be restated. On 20 September 1909 Joaquin Navarro and Angela Joaquin were united in marriage (Exhibit 1). The first three lots under the heading of "paraphernal property of Angela Joaquin" in the amended inventory returned by the administrator are found among the real properties described in the capitula clones matrimonidles, whereas the parcel of land listed as No. 4, under the same heading in the same inventory is not included in the capitulaciones matrimoniales.

The trial court is of the opinion that the parcel of land just referred to having been acquired during the marriage the presumption is that it was conjugal despite the fact that the registration thereof was decreed and the original certificate of title was issued in the name of "Angela Joaquin, the wife of Joaquin Navarro" (Exhibit F); and that such presumption has not been overcome by "any other evidence except by the fact already adverted to that it was decreed registered in the name of Angela Joaquin.

The administrator contends that the parcel of land listed as No. 4 under the heading "paraphernal property of Angela Joaquin" in the amended inventory returned by him to the Court must be held paraphernal property of her deceased mother, because the original certificate of title was issued in the name of "Angela Joaquin, the wife of Joaquin Navarro, of Manila," as a result of land registration proceedings, which is conclusive against the whole world. But this contention runs counter to the rule laid down in a long line of decisions that no matter in whose name the property is registered under the Torrens System, Act No. 496, as amended, if acquired during coverture, the same must be deemed conjugal unless it be shown that such property acquired during coverture was acquired with funds or property belonging exclusively to one of the spouses.[1] We hold with the probate court that in this case such presumption has not been overcome because there is no evidence to that effect. The administrator indulges in conjecture. He states that as there were seven parcels of land listed in the capitulaciones matrimoniales and only three remain, together with the fact that there are no more jewelry left by the late Angela Joaquin, he assumes that the proceeds of the sale of those parcels of land and the jewelry were invested in the purchase of the parcel of land acquired during coverture and which should be deemed now as he did in his amended inventory as paraphernal property. A conjecture is not evidence and may and should not be taken as such to rebut or overthrow the presumption established by law and jurisprudence. Besides, such surmise has no foundation, because among the six parcels of land described in transfer certificate of title No. 2297 that belonged to the late Angela Joaquin as paraphernal, Lot D was partly sold on 29 November 1916 and the rest thereof on 31 August 1943, Lot A was sold on 9 July 1917 and Lot B was sold on 5 January 1913, whereas original certificate of title No. 3377 covering the parcel of land listed as No. 4 under the heading of "paraphernal property of Angela Joaquin" in the amended inventory, was issued on 20 September 1916. So the proceeds realized out of the sales of Lots D and A subsequent to the issuance of original certificate of title No. 3377 could not have been used to acquire the parcel of land in question. Furthermore, in connection with the decree of registration which is conclusive against the whole world, the administrator overlooked the provisions of section 70, Act No. 496, which expressly provides that * * * Nothing contained in this Act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, * * *."

As to the inclusion in the amended inventory of the "value of the jewelry * * * of Angela Joaquin sold or otherwise disposed of during marriage," the probate court held that the objection to its inclusion by the oppositor Antonio C. Navarro is well taken, because the administrator admitted that the same were disposed of during the marriage, for they were not found among the properties left by the deceased spouses. The inventory should include only properties existing at the time of the death of the spouses, except when the husband had been entrusted with the administration of the wife's paraphernal property, in which case such property should be included in the inventory for the restitution thereof. This case does not fall under the exception because the wife had reserved the right to administer and manage all her paraphernal properties. The opinion of the probate court on this point is correct, because section 1 (a), Rule 82, and section 1, Rule 84, make it incumbent upon the administrator to return to the Court within three months a true inventory and appraisal of all the real and personal properties of a deceased person which came into his possession or knowledge. As these jewelry, gold coins and personal property were not found among the assets or properties of the deceased spouses at the time of their death, the same could not have come into the possession of the administrator. As to his knowledge of all the real and personal properties of the deceased spouses, it refers to his knowledge of the existence of such properties in possession of others.

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

Paras, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

[1] Marigsa vs. Macabuntoc, 17 Phil., 107; Guinging vs. Abuton, 48 Phil., 144; Flores vs. Flores, 48 Phil., 288; Commonwealth vs. Sandico, 74 Phil., 258; Padilla vs. Padilla, 74 Phil., 377.

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