

**TESTATE ESTATE OF DFIA. PERPETUA A. VDA. DE SORIANO.
DOLORES ALIBORNOZ, PETITIONER. ELIAS RACELA, CLAIMANT
AND APPELLANT, VS. DOLORES ALBORNOZ AND JOSE ALBORNOZ,
CO-SPECIAL ADMI...**

G.R. No. L-7801. April 13, 1956

Ponente: LABRADOR, J.

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LABRADOR, J.:

The present appeal refers to two claims presented by Elias Racela against the estate of the deceased Perpetua A. Vda. de Soriano and which were dismissed' by the trial court. The first claim is based on a supposed sale of one hectare of land for P1,000 executed by the decedent on July 18, 1933 in favor of the claimant. The second is based on another supposed sale of another part of the defendant's land for P1,000 also, in favor of the claimant, made on September 23, 1933. The supposed sales appear in two deeds marked Exhibits "A" and "B". After the supposed sales were made, the decedent sold the same parcels of land in 1934 to one Soriano Ballesteros, who succeeded in registering the deed of sale in his favor, claimant attempted to register the deeds executed in his favor but the decedent opposed registration. So claimant brought a criminal action against the decedent for estafa (Criminal Case No. 6406 of the Court of First Instance of Ilocos Norte). The court acquitted the decedent of the charge, a portion of the decision and the dispositive part thereof is as follows:

"Analizados estos hechos, el Juzgado se inclina a creer como asi cree que Elias Kacela no ha entregado ninguna cantidad de dinero a la acusada como pago de la venta, alegada por la acusacion * * *

"Es. digna de credito la pretension de la acusada de que los dos escrituras marcadas Exhibitos 'A' y 'B' han sido otorgadas por ella solamente para que Elias Racela pudiera convencer a los vecinos del barrio dc Biding, Dingra's, Ilocos Norte, que la acusada podia disponer libremente de sus bienes? El Juagado fundandose en los hechos arriba expuestos, es de opinion que gi. * * *. Este acto de la acusada a juicio del Juzgado, es compatible con su creencia de que en ninguna ocasion habia vendido terreno a Elias Racela * * *.

* * * * *

"A la luz de las. consideraciones de hechos arriba apuntadas el Juzgado duda de la verdad de la teoria de la acusacion y, por ende, la acusada tiene derecho a los beneficios de esta duda. Pero esta conclusion del Juzgado no priva a Elias Racela de su derecho de presentar una accion civil contra la aqui acusada, si se que todavia no estan pagados sus honorarios por los servicios prestados a la misma."

After the presentation of the plaintiff in the court below, the Judge, upon motion of counsel for the defendant, dismissed the action in the following words:

"It is seen from Exhibit '1' that the criminal action for estafa against the deceased Perpetua A. Vda. de Soriano was founded on Exhibits 'A' and 'B' and 'C', the deeds of sale, and the present claim of the claimant is also founded on the same exhibits with the exception of Exhibit 'C' "which was not presented by the said claimant, having been substituted by him with his own oral testimony. Therefore, the inevitable conclusion is that the

acquittal of the deceased-accused, Ferpetua X. Vda. de Soriano, produces the effect of exemption of her estafa from any civil liability. IPoa TUB foregoing, the motion to dismiss is granted, and the claim of Elias Racela is dismissed. "Without costs.

It is against the above judgment that this appeal has been prosecuted. Claimant-appellant argues that the judgment of acquittal in the criminal action was based on reasonable doubt and therefore it cannot amount to a judicial declaration "that the fact from which the civil might arise did not exist". A study, of the judgment of acquittal in the said criminal action readily discloses that the decedent did not sell any land to Elias Racela and that the deeds of sale Exhibits "A" and "B" were executed by the decedent in order to enable Elias Racela to convince the residents of a barrio that the decedent could freely dispose of his properties. Witness the following portions of the judgment, Exhibits "1."

"La unica cuestion a resolverse en esta causa es la de si la acusada habia vendido a Ellas Raeola las dos parcelas do terreno que se describen los exhibitos 'A' y (B' respectivamente. Para resolver esta question el Juzgado entiende que no dcbe atenderse solamente a los niencionados exhibitos sino tambien a la version de los' tcstigos de la defensa y el estado financiero de la acusada.

"Analizados estos hechos, el Juzgado se inclina a crecer como asi eree que Elias Eacela no ha entregado ninguna cantidad dc dinero a la acusada como pago de ,la venta alegada por la acusacion; porque si fuese cierto el hecho de que Elias Eacela habia entregado el dinero importe de cada uno de los terrenos descritos en Iok exhibitos 'A' y (E,' respectivamente,, no se comprende como y porque se habian puesto en el Exhbito 'B' las palabras 'and services rendered': En opinion del Juzgado egtas palabras 'and services rendered' puestas despucs de las palabras 'One Thousand Pesos .Philippine Currency to me' revelan que Elias Racela en la ocasion en que se redacto la escritura daba a entender que Jo que el habia pagado a la acusada era el valor do sus servicios. Si esto es el caso, Elias Racela al afirmar en el dia de la vista de estc causa que el habia entregado dinero a la acusada no ha .dieho la verdad; y por tanto debe estimarse por buena la teoria de la acusada al efecto de que ella no habia vendido ningun terreno a Elias Racela.

The theory upon which the present claim of Elias Racela is based is that the deceased sold the pareds of land to Elias Racela and the latter paid the deceased the price therefor or P2,000. The above-quoted portions of the decision clearly indicate that no actual sale was made and that the deeds Exhibits "A" and "B" were executed for another purpose' and were, therefore, simulated sales. The judgment in the criminal action, therefore, contains an express declaration that the basis of claimant's action for P2,000, or the sales of said parcels of land to the claimant and the receipt by the decedent therefor for P2,000, did not exist. Claimant's action is barred under section 1 (d), Rule 107, which provide:

" (d) Extinction of the penal action does not carry with it extinction of the civil, unless the extinction proceeds from a declaration in a final judgment that the fact from which the civil might arise did not exist. * * *.'

In view of ithe above conclusion, it is unnecessary to consider the claim of the claimant-appellant that he had submitted sufficient evidence to sustain defendant's liability. The judgment appealed from is hereby affirmed, with costs against the claimant.

Parás, C J., Bengzon, Padilla,, Montemayor, Reyes, A., Jugo, Bautista Angela, Concepcion, Reyes, J. B. L. and Endenda, JJ., concur.

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