

ANTONINA CUEVAS, PLAINTIFF AND APPELLANT VS. CRISPULO CUEVAS, DEFENDANT AND APPELLEE.

G.R. No. L-8327. December 14, 1955

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/90b0c8129e41/>

REYES, J.B.L., J.:

On September 18, 1950, Antonina Cuevas executed a notarized conveyance entitled "Donacion Montis Causa," ceding to her nephew Crispulo Cuevas the northern half of a parcel of unregistered land in barrio Sinasajan, municipality of Peñaranda, Province of Nueva Ecija (Exhibit A). In the same instrument appears the acceptance of Crispulo Cuevas.

"Subsequently, on May 26, 1952, the donor executed another notarial instrument entitled "Eevocaci6n de Donacion Mortis Causa" (Exhibit B) purporting to set aside the preceding conveyance; and on August 26, 1952, she brought action in the Court of First Instance to recover the land conveyed, on the ground (1) that the donation being mortis causa, it had been lawfully revoked by the donor; and (2) even if it were a donation inter vivos, the same was invalidated because (a) it was not properly accepted; (b) because the donor did not reserve sufficient property for her own maintenance, and (c) because the donee was guilty of ingratitude, for having refused to support the donor.

Issues having been joined, and trial had, the Court of First Instance denied the recovery sought, and Antonina Cuevas thereupon appealed. The Court of Appeals forwarded the case to this Court because, the case having been submitted on a stipulation of facts, the appellant raised only questions of law.

The first issue tendered concerns the true nature of the deed "Exhibit A"; whether it embodies a donation inter vivos, or a disposition of property mortis causa revocable freely by the transferor at any time before death.[1]

It has been ruled that neither the designation mortis causa, nor the provision that a donation is "to take effect at the death of the donor", is a controlling criterion in defining the true nature of donations (Laureta vs. Mata, 44 Phil., 668; Concepcion vs. Concepcion, 91 Phil., 823). Hence, the crux of the controversy revolves around the following provisions of the deed of donation:

"Dapat maalaman ni Crispulo Cuevas m samantalang ako ay nabubuhay, ang lupa na ipinagkakaloob ko sa kaniya ay ako pa rin ang patuloy na mamomosecion, makapagpapatrabaho, makikinabang at ang iba pang karapatan sa pagmamayari ay sa akin pa rin hanggang hindi ko binabawian ng buhay ng Maykapal at ito naman ay hindi ko ñga iya-alis pagkat kung ako ay mamatay na ay inilalaan ko sa kaniya."

There is an apparent conflict in the expression above quoted, in that the donor reserves to herself "the right of possession, cultivation, harvesting and other rights and attributes of ownership while I am not deprived of life by the Almighty"; but right after, the same donor states that she "will not take away" (the property) "because I reserve it for him (the donee) when, I die." :

The question to be decided is whether the donor intended to part with the title to the property immediately upon

the execution of the deed, or only later, when she had died. If the first, the donation is operative inter vivos; if the second, we would be confronted with a disposition mortis causa, void from the beginning because the formalities of testaments were not observed (new Civil Code, Arts. 728 and 828; heirs of Bonsato vs. Court of Appeals,[2] 50 Off. Gaz. (8), p. 3568; Tuason vs. Posadas, 54 Phil., 289; Sent. Trib. Sup. of Spain, 8 July 1943).

We agree with the Court below that the decisive proof that the present donation is operative inter vivos lies in the final phrase to the effect that the donor will not dispose or take away ("hindi ko ñga iya-alis" in the priginal) the land "because I am reserving it to him upon my death." By these words the donor expressly renounced the right to freely dispose of the property in favor of another (a right essential to full ownership) and manifested the irrevocability of the conveyance of the naked, title to the property in favor of the donee. As stated in our decision in Bonsato vs. Court of Appeals, ante, such irrevocability is characteristic of donations inter vivos, because it is incompatible with the idea of a disposition post mortem. Witness article 828 of the New Civil Code, that provides:

"Art. 828. A will may be revoked by the testator at any time before his death. Any waiver or restriction of this right is void."

It is apparent from the entire context of the deed of donation that the donor intended that she should retain the entire beneficial ownership during her lifetime, but that the naked title should irrevocably pass to the donee. It is only thus that all the expressions heretofore discussed can be given full effect; and when the donor stated that she would continue to retain the "possession, cultivation, harvesting and all other rights and attributes of ownership," she meant only the dominium utile, not the full ownership. As the Court below correctly observed, the words "rights and attributes of ownership" should be construed ejusdem generis with the preceding rights of "possession, cultivation and harvesting" expressly enumerated in the deed. Had the donor meant to retain full or absolute ownership she had no need to specify possession, cultivation and harvesting, since all these rights are embodied in full or absolute ownership; nor would she then have excluded the right of free disposition from the "rights and attributes of ownership" that she reserved for herself.

Hence, the Court below rightly concluded that the deed Exhibit A was a valid donation inter vivos, with reservation of beneficial title during the lifetime of the donor. We may add that it is highly desirable that all those who are called to prepare or notarize deeds of donation should call the attention of the donors to the necessity of clearly specifying whether, notwithstanding the donation, they wish to retain the right to control and dispose at will of the property before their death, without need of the consent or intervention of the beneficiary, since the express reservation of such right would be conclusive indication that the liberality is to exist only at the donor's death, and therefore, the formalities of testaments should be observed; while, a converso, the express waiver of the right of free disposition would place the inter vivos character of the donation beyond dispute (Heirs of Bonsato vs. Court of Appeals, 50 Off. Gaz. (8), p. 3568).

The argument that there was no sufficient acceptance, because the deed "merely recites that (1) the donee has duly read all the contents of this donation; (2) that he 'shall fully respect all its terms'; and (3) that 'for the act of benevolence' he is expressing his gratitude" but there is no show of acceptance (Appellant's brief, p. 7), is without basis. To respect the terms of the donation, and at the same time express gratitude for the donor's benevolence, constitutes sufficient acceptance. If the donee did not accept, what had he to be grateful about? We are no longer under the formulary system of the Roman law, when specific expressions had to be used under pain of nullity.

Also unmeritorious is the contention that the donation is void because the donor failed to reserve enough for her own support. As we have seen, she expressly reserved to herself all the benefits derivable from the donated property as long as she lived. During that time, she suffered no diminution of income. If that was not enough to support her, the deficiency was not due to the donation.

Finally, the donee is not rightfully chargeable with ingratitude, because it was expressly stipulated that the donee had a total income of only P30 a month, out of which he had to support himself, his wife and his two children. Evidently his means did not allow him to add the donor's support to his own burdens.

Wherefore, the decision appealed from is affirmed. No costs in this instance, appellant having obtained leave to litigate as a pauper. So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, and Concepcion, JJ., concur.

[1] In *Bonsato vs. Court of Appeals*, 50 Off. Gaz. (8), p. 3568, we have called attention to the legal inexistence of so-called "donation mortis causa," that our Civil Code identifies with testamentary disposition.

[2] 95 Phil. 481.

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.