

JULIA SAN BUENAVENTURA, PETITIONER, VS. THE COURT OF APPEALS AND CRISANTA SAN BUENAVENTURA, RESPONDENTS.

G.R. No. L-23980. January 31, 1968

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal by certiorari from a decision of the Court of Appeals reversing that of the Court of First Instance of Rizal.

Petitioner Julia San Buenaventura and respondent Crisanta San Buenaventura are sisters. In the complaint filed by her, with said Court of First Instance, on May 28, 1962, Crisanta alleged that Julia and she had inherited — from their grandfather, Perfecto San Buenaventura, who died on April 8, 1937 — a parcel of land about 2,159 square meters, situated in Taytay, Rizal, and more particularly described in paragraph 3 of said pleading, and that, despite repeated demands, Julia had refused to have said property partitioned. Accordingly, Crisanta prayed for a decree of partition thereof.

In her answer to the complaint, Julia alleged that said land belongs to her exclusively since 1944, because: 1) Crisanta had ceded her share therein to her (Julia); 2) Julia had been, since 1944, in actual, adverse, continuous and exclusive possession of the land, as owner thereof, against the whole world; 3) Crisanta had, on November 20, 1957, acknowledged Julia's sole and exclusive title to the whole property; and 4) when the same was included in the application for registration of a third party,[1] Crisanta, who had knowledge of said application, did not object thereto, and Julia was the only one who opposed it. By way of affirmative defense, Julia alleged farther that, in an action, filed by the Taytay (Rizal) Farmers Cooperative and Marketing Association against Julia,[2] to foreclose a mortgage constituted by the latter on the property in question in favor of said association, Crisanta did not pursue her attempt to intervene therein on October 7, 1959, after her motion to intervene was denied by said court.

The case was, on December 28, 1962, submitted for decision upon a stipulation of facts, to the effect:

“1. That plaintiff and defendant are sisters of full blood;

“2. That the land in question, described in paragraph 2(a) of defendant's answer, was inherited by them from their grandfather Perfecto San Buenaventura who died in April 8, 1937;

“3. That the defendant has possessed the land since 1944 and resided thereon since 1947 having built and maintained her house thereon from the latter date up to the present time;

“4. That on November 20, 1957, the plaintiff signed and executed the document copy of which is hereto attached and made an integral part hereof as ANNEX 'A;'

“5. That the defendant has caused the survey of said land in her name in June 8, 1952 (Psu?140634) and applied for a free patent thereon on March 31, 1958; that said application is now pending in the Bureau of Lands;

"6. That the said land was the subject of a foreclosure proceedings in civil case No. 5725 of this Honorable Court, involving a mortgage thereon by the defendant and in which the plain-tiff filed a motion for intervention based on the same cause of action and the order of denial has become final; that copies of said motion for in-tervention and of the order of denial are hereto attached as ANNEXES 'B' and 'C;'

"7. That the same land was likewise in-volved in an overlapping application for registra-tion filed by the adjacent owners thereof in Land Registration Case No. N-2125, LRC Record No. N-16259, also of this Honorable Court, and in which registration proceedings the defendant alone contested the overlapping application and the plaintiff had defaulted with notice;

"WHEREFORE, it is respectfully prayed that this stipulation of facts be admitted and con-sidered in the decision hereof."

The document referred to in paragraph 4 of the stipulation is an affidavit of Crisanta San Buenaventura, marked as Annex A, the pertinent parts of which read:

"Na ako at ang aking kapatid na si Julia San Buenaventura ay nag-mamayari ng isang su-kat na lupang bundok sa pook ng pantayin, Taytay, Rizal, alinsunod sa 'tax' Blg. 3628;

"Na aking kapasiyahan at inililipat ko ang nasabing lupang ito sa aking kapatid na si Julia San Buenaventura upang mula ngayon, sa takdang ito, ay siya na ang tunay at lubos na mag-mayari;

"Na magalang kong hinihiling sa maykapangyarihan na mailipat sa kanyang pangalan ang nasabing lupa, upang mai-saayos ang pagbabayad ng nauukol sa buwis at ano mang hakbang na kinakailangan tungkol sa lupang ito."

Upon the foregoing facts, the trial court rendered judgment dismissing the complaint and ordering Crisanta to pay to Julia the sum of P200.00, by way of attorney's fees, in addition to costs.

On appeal taken by Crisanta, said judgment was reversed by the Court of Appeals. The dispositive part of the lattter's de-cision is of the following tenor:

"WHEREFORE, the decision herein render-ed is hereby reversed; the parcel in question is declared property of common ownership between plain-tiff and defendant; the same should be partitioned as prayed for, and in equal shares; either party to have a choice of her own, or in the event that they cannot agree as to this, then lots shall be drawn to determine the share that shall pertain to each. No pronouncement as to costs."

Hence, this appeal by certiorari taken by Julia, who main-tains that the Court of Appeals erred: 1) "x x x in deciding that the transfer of rights in Exhibit 'A' is without valid and valuable consideration; " 2) "x x x in deciding that Exhibit 'A' does not constitute a transfer of Rights;" and 3) "x x x in not deciding Exhibit 'A' as valid and effective between the parties thereto, though not in the due form of a public instrument."

The ratio decidendi of the Court of Appeals is that:

"It is admitted that the document[3] is not a valid donation of real property or right; neither is it valid as a sale thereof. It does not, therefore, suffice to transfer proprietary rights. We believe that the document has been given a meaning its signer did not intend to convey. It was executed more for pur-poses of the issuance of a tax declaration so as to facilitate the payment of taxes. More so, neither in the pleadings nor in the evidence adduced could we find any valid or valuable consideration for the alleged transfer of right.

"Defendant contends that she considered herself the sole owner since 1944, for in 1947 she built her house thereon. The execution of Exh. A on November 20, 1957 negates her claim. If she ever considered herself the sole owner to the exclusion of plaintiff, it must have been from November 20, 1957 only; and the requisite period of prescription had not yet elapsed before and up to May 28, 1962, the date of the filing of the

complaint in the present case."

This process of reasoning is apparently predicated upon the premise that said Annex A — the authenticity of which is conceded — is or purports to be a deed of cession. In the light of the surrounding circumstances, we are satisfied that this is not the correct view. It seems clear to us that Annex A was principally intended to be a recognition, acknowledgment or admission of Julia's exclusive title to the land. This is borne out by the fact that, admittedly, she had, not only held it since 1944, but, also, built and maintained thereon a house as early as 1947; that she resided therein continuously, since then up to the pre-sent; that on June 8, 1952, Julia had caused the land to be surveyed in her name; that on March 31, 1958, she applied for a free patent thereto; that she mortgaged the land to the Association aforementioned; that she objected in her name, to the inclusion of said land in the application for registration filed by a third party; that Crisanta did not oppose said application; that Crisanta had made no demand, since 1944, either for the possession of the land, or for the enjoyment of any of the benefits derived therefrom; that she did not make any demand for its partition, until March, 1962, or on the eve of the institution of this case; and that such one and only demand for partition was evidently preparatory to the filing of the complaint herein.

In other words, the aforementioned acts of Julia and Crisanta's affidavit Annex A, as well as her inaction from 1947 to 1959, when she tried to intervene in the foreclosure proceedings, above referred to and then gave up her attempt to do so, strongly confirm Julia's claim that she had held the land, as exclusive owner thereof, since 1944 and that she had acquired title thereto by prescription, apart from by cession made by Crisanta.

Annex A did not mark the beginning of Julia's adverse possession. It merely sought to remove possible doubts on Julia's title to the property, and permit its registration in her name, as sole owner thereof, not only for purposes of real estate tax, but, also, in the language of said affidavit, "at ano mang hakbang na kinakailangan tungkol sa lupang ito" (and for such other step as may be necessary in connection with this land). Needless to say, the Court of Appeals had no justification in declaring that the cession was devoid of cause or consideration, for the existence thereof is presumed, and there is absolutely no evidence to the contrary.

Considering that, as plaintiff in this case, Crisanta San Buenaventura has the burden of proof, the decision of the Court of Appeals should be, as it is hereby reversed, and that of the Court of First Instance affirmed, with costs against said plaintiff.

IT IS SO ORDERED.

Reyes, J.B.L., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Dizon and Castro, JJ., did not take part.

[1] In Land Registration Case No. 2125, LRC Record No. N-16259 of the Court of First Instance of Rizal.

[2] Civil Case No. 5725 of the Court of First Instance of Rizal.

[3] The affidavit of Crisanta San Buenaventura, Annex A.

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