MARIANO BE GUZMAN, PETITIONER, VS. THE COURT OF APPEALS, ET AL., RESPONDENTS.

G.R. No. L-8101. May 18, 1956

Ponente: PARAS, C.J.

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PARAS, C.J.:

Mariano de Guzman (petitioner herein) filed in the Court of First Instance of Bulacan a complaint against the herein respondents Florentina de Guzman, Domingo Sanchez and Sergio de Guzman (the first two being husband and wife), alleging that the petitioner is the owner of a parcel of land situated in Binahg, Bocaue, Bulacan, and covered by tax declaration No. 1756, having purchased the same on October 3, 1944 from Doroteo de Guzman; that the respondents were some of the tenants of petitioner's pfedecessor-in-interest, Doroteo de Guzman, each occupying a lot of some 150 square meters; that after the petitioner had purchased the land, he asked the respondents to pay a reasonable rental or, in default thereof, to vacate their respective lots; that despite repeated demands, the. respondents had refused either to pay the rental or to vacate the premises; that P10 per year was a reasonable rental for each lot; and praying that the respondents be sentenced to pay to the petitioner the annual rental of P20 from 1945, to vacate the premises, and to pay moral damages in the sum to be fixed by the court, attorney's fee in the sum of P500, and the costs of suit.

The respondents in their answer alleged that the portions occupied by respondents Florentina de Guzman and Sergio de Guzman were inherited by the latter from their respective mothers, the same having been originally owned by their grandmother and predecessor-in-interest, Basilia Parulan; and that said respondents and their predecessor-in-interest had been in actual, peaceful, public, continuous and uninterrupted possession of said portions for more than 50 years under claim of exclusive title.

After trial, the court rendered a. decision, ordering the respondents to vacate the premises in question. Upon appeal by the respondents, the Court of Appeals rendered a decision, reversing the judgment of the Court of First Instance of Bulacan and holding that the owners of the land described in the complaint are the persons specified in said decision in the proportions therein indicated, without costs. The case is now before us upon appeal by certiorari taken by the petitioner (plaintiff below). As the findings of fact of the Court of Appeals are conclusive in this instance, we deem it proper and more expedient to quote in full the appealed decision:

> "The spouses Felix de Guzman and Basilia Parulan were the owners of a parcel of land situated in Binan, Bocaue, Bulacan. They had seven children named Romualdo, Pedro, Robijia, Juana, Juan, Pablo and Tiongi al surnamed De Guzman, Robijia died during the Spanish Revolution and in all likelihood Tiong and Juan died without leaving any issue. Romualdo, the oldest, had a son named Doroteo. Pedro was married to Potenciana Marcelo and bad two daughters named Mercedes and Ana. Juana had a natural son named Sergio de Guzman and Pablo also had a son named Mariano. Ana; one of the daughters of Pedro de Guzman and Potenciana Marcelo, had a natural daughter named Florentine. The land was registered for taxation purposes in the name of Romualdo de Guzman, being the oldest (Exhibit S) who had been paying the taxes on said land up to his death in 1923. His son Doroteo sold the land in 1944 to his cousin Mariano who then found living in said land Florentina de Guzman, the natural daughter of Ana de Guzman, Sergio de Guzman, the natural son of Juana de

> Guzman, Vidal Eustaquio, Serapio Benedicto, Teodoro Claudio and Manul de Leon. Florentina upon being informed that Mariano bought the land showed displeasure but acknowledged him as the owner and in fact paid the rent corresponding to 1945 in the amount of P5 according to Mariano, the plaintiff. Sergio de Guzman, however, would not pay any rent. In 1950 Mariano de "Guzman again tried to collect rents from Florentina and Sergio, both of whom, claiming ownership of the land through inheritance from their parents, refused to pay rents and hence the filing of an action by Mariano de Guzman in the Court of First Instance of Bulacan for the recovery of possession of the parcel of land in question and the collection of rents from the defendants Florentina de Guzman, her husband Domingo Sanchez and Sergio de Guzman at the rate of P10 a year each or a total of P120 for the years 1945 to 1950 and for attorney's fees in the amount of P500. The defendants in their answer alleged that they are the owners of the portions repectively occupied by them, having in- herited them from their mothers who in turn inherited said land from their grandmother Basilia Parulan. After due trial the case was decided in favor of the plaintiff and the defendants were ordered to vacate the land, from which decision defendants have appealed alleging that the lower court erred:
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> "1. In finding that Exhibit A validly transferred the ownership of the whole land to the plaintiff and that Doroteo de Guzman solely acquired the land by inheritance from his father.
>
> "2. In holding that the payments of the land taxes by the defendants were not in the concept of owners adverse to and exclusive of Romualdo de Guzman.
>
> "3. In holding that the possession of the defendants was not sufficient to defeat the rights of the plaintiff and bis predecessor in interest.
>
> "4. In holding that the occupancy of the defendant Florentina de Guzman since birth and the defendant Sergio de Guzman for 25 years did not confer upon them right of ownership by prescription.
>
> "5. In concluding that the mistaken belief of the defendants that they succeeded to the rights of their mothers precluded them from claiming the ownership by acquisitive' prescription.

"It is a fact not denied by plaintiff and, his predecessor in interest that Ana de Guzman, mother of Florentina, had been living on the land in question where Florentina was horn. In fact Doroteo de Guzman testified that upon the death of his father Romualdo, he entrusted the collection of the rents from the other occupants of the land to Ana de Guaman and that Sergio de Guzman is the natural son of Juana de Guzman who also lived on the land in question where Sergio was born, thus confirming the testimony of Florentina that it was her mother who had been paying the taxes on said land and collecting rents from the other occupants, some of whom built their houses on said land with her permission. Exhibit 4, official receipt No. .0-972210, shows that taxes on the land in question were paid by Ana de Guzman in 1936 notwithstanding the fact that the assessment was in the name of Romualdo de Guzman.

"As possessors of the land in question, Ana de Guzman and Juana de Guzman were ahead of Doroteo de Guzman, the predecessor in interest of the plaintiff. Long before the death of his father, Romualdo, in 1923, Doroteo had been living in Tondo, Manila, where he began to reside in 1913 and worked as a laborer. Plaintiff Mariano de Guzman, son of Pablo de Guzman, one of the seven children of Felix de Guzman and Basilia Parulan, had never lived on the land in question and that is why he had to, inquire at the time he bought it who were the occupants thereof. Both Doroteo de Guzman and his successor in interest Mariano de Guzman pretended to ignore who were the former owners of the land prior to Romualdo de Guzman notwithstanding the fact that they had to admit that they are related to the defendants.

"The registration" of the land in question for purposes of taxation exclusively in the name of Romualdo de Guzman did not make him the owner thereof or the one possessing it exclusively, continuously, adversely and in the concept of owner, it. having been explained satisfactorily by the defendants that Romualdo was the oldest of

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the seven children of Felix de Guzman and Basilia Parulan and that the land in question has been occupied at least by Pedro de Guzman and his wife Poteneiana' Mareelo who were succeeded upon their death by Ana de Guzman and also by Juana de Guzman, one of the seven children who was later succeeded in said possession by her natural son, the defendant Sergio de Guzman. The possession, therefore of the land in question was in common among Romualdo, his brother Pedro, their sister Juana and their respective heirs. Mariano de Guzman, the plaintiff, could not have purchased from Doroteo except his (Doroteo's) share as heir and successor in interest of Romualdo. He himself is a co-owner of the land in question, being the successor in interest of his father Pablo de Guzman.

"This action was commenced for the recovery of the possession of the land in question. But both parties produced evidence to show that they are the owners of the land and hence the court is not barred from deciding the case of ownership as did the lower court and convert this case into an action of partition. According to the evidence presented by both parties, the only surviving heirs who left successors were Romualdo, father of Doroteo; Pedro, father of Mercedes and Ana, the latter being the mother of defendant Florentina; Juana, mother of Sergio, and Pablo, father of plaintiff Mariano de Guzman. Doroteo sold his share to Mariano and hence he has become the owner of two shares, the share purchased by bun and the share which belongs to him as heir of Pablo. Ana, together with Mercedes, should own the portion of Pedro. But Ana having died, her share should go to her natural daughter Florentina. Sergio should get the share of her mother Juana. The only question, therefore, to be resolved is whether Florentina, as natural child of Ana, is entitled to inherit. The lower court held that she is not entitled to share in the inheritance of the legitimate parents of her mother, namely Pedro de Guzman and Potenciana Marcelo. But this is not the case, for where a mother inherits from her legitimate parents her share, upon her death can be inherited by her natural daughter. In the same situation is Sergio de Guzman who being the natural son of Juana de Guzman could not inherit from the latter's legitimate parents, Felix de Guzman and Basilia Parulan, directly. But the latter having died, Juana inherited her share in their estate and upon the death of Juana, Sergio can inherit from her said share.

"In view whereof, we hereby reverse the decision appealed from and hold that the owners of the parcel of land in question are the persons above-mentioned in the proportion above-indicated, without costs."

It is noteworthy that although the action commenced in the Court of First Instance of Bulacan was one for ejectment, the Court of Appeals, in view of the fact that both parties adduced evidence of ownership, held that it is not barred from deciding the question of title and frBni converting the action into one of partition. Accordingly,. the Court of Appeals found that the land involved originally belonged to the spouses Felix de Guzman and Basilia Parulan, who had seven children named Romualdo, Pedro, Robijia, Juana, Juan, Pablo and Tiong, all surnamed De Guzman; and concluded that according to the evidence presented by both parties, "the only surviving heirs who left successors were Romualdo, father of Doroteo; Pedro, father of Mercedes and Ana, the latter being the mother of defendant Florentina; Juana, mother of Sergio, arid Pablo, father of plaintiff Mariano de Guzman. Doroteo sold his share to Mariano and hence he has become the owner of two shares, the share purchased by him and the share which belongs to him as heir of Pablo. Aria, together with Mercedes, should own the portion, of Pedro. But Ana having died, her share should go to her natural daughter Florentina. Sergio should get the share of her mother Juana. The only question, therefore to be resolved is whether Florentina, as natural child of Ana, is entitled to inherit. The lower court held that she is not entitled to share in the inheritance of the legitimate parents of her mother, namely Pedro de Guzman arid Potenciaria Marcelo. But this is not the case, for where a mother inherits from her ligitimate parents her share, upon her death can be inherited by her natural daughter. In the same situation is Sergio de Guzman who, being the natural son of Juana de Guzman could not inherit from the latter's legitimate parents, Felix de Guzman and Basil fa Parulan, directly. But the latter having died, Juana in herited her share in their estate and upon the death of Juana, Sergio can inherit from her said share."

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The petitioner assails the propriety of converting the action for ejectment into one of partition; contends that Florentina de Guzman and Sergio de Guzman, being natural or illegitimate children, have no right to get from their toothers what was inherited by the latter from their legitimate parents; and controverts the conclusion that the land in question originally belonged to the spouses Felix de Guzman and Basilia Parulan and that the possession thereof was in common among Romualdo, Pedro, Juana, and their respective heirs. We would have been inclined to affirm the judgment of the Court of First Instance of Bulacan ejecting the respondents, were it not for the fact that we are bound by the findings' of fact of the Court of Appeals. Even so, we are not in a position to affirm tile appealed decision for the reason that not all heirs or co-owners are parties hereto. For example, Mercedes" de Guzman, who was adjudged to be entitled to a share, was a mere witness.

We therefore constrained to remand, as we hereby remand, the case to the court of origin for further proceedings, after all the parties in interest or heirs of the spouses Felix de Guzman and Basilia Parulan shall have been impleaded either as plaintiff or defendant, considering the action as one for partition. So ordered without pronouncement as to costs.

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

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