

**JUANA MANLICON AND JACINTO (ALIAS MARCELO) DE GUZMAN,
PLAINTIFFS AND APPELLE, VS. MAGNO DE VERA AND CONSTANCIA
URMAZA, DEFENDANTS AND APPELLANTS.***G.R. No. L-1717. April 17, 1950*

Ponente: PARAS, J.

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This is an appeal by the defendants from a judgment of the Court of First Instance of Pangasinan "ordering the defendants Magno de Vera and Constancia Urmaza to execute a deed of conveyance in favor of Juana Manlincon, married to Jacinto de Guzman, Filipinos, and resident of Sinmaley, Pangasinan, and to pay to her one-sixth of the products of the land or fishpond from 1932 up to the time of the return of the one-sixth portion of the land belonging to the plaintiff, Juana Manlincon, at the rate of one-sixth of P30, which was the annual rent of the fishpond, and one-sixth of P12, the proceeds of the nipa shingles gathered therefrom annually, with interest at the rate of 6 per centum, and to pay the costs."

The land in question is situated in the barrio of Balogo, municipality of Binmaley, province of Pangasinan, and has an area of about 15,122 square meters. Said land, which is a fishpond, formerly belonged to the Conjugal partnership of Domingo Manlincon and Maxima Arenas. Domingo Manlincon died on September 11, 1930. On September 29, 1932, Maxima Arenas, the surviving wife of Domingo Manlincon, sold the land to Magno de Vera and his wife, the herein defendants. The deed of sale was also signed by Moises Manlincon and Francisca Manlincon, children of Domingo Manlincon in his first marriage, as witnesses. This sale was duly registered by the defendants and a Torrens certificate of title was issued in their name. The herein plaintiff, Juana Manlincon, is the only surviving child of the deceased Domingo Manlincon in his second marriage with Maxima Arenas, and she was still a minor at the time the deed of sale was executed by Maxima Arenas. This action was filed by Juana Manlincon and her husband for the purpose of securing a reconveyance of the property.

The trial court rejected the theory of the plaintiffs that the sale executed by Maxima Arenas in favor of defendant Magno de Vera was tainted with fraud, in that it was secured by Magno de Vera while having amorous relations with Maxima Arenas, and after obtaining from the latter the documents covering the land on the pretext of looking for a lawyer to defend Maxima Arenas in the action brought against her by Francisca Manlincon. The court therefore held that the sale is valid as far as the share of Maxima Arenas is concerned. But the trial court awarded the judgment, hereinabove quoted, in favor of the plaintiffs on the ground that, as the defendant Magno de Vera was the owner of an adjoining fishpond prior to the sale in question, and therefore knew that the fishpond was owned by the deceased Domingo Manlincon and Maxima Arenas who had Juana Manlincon as their only child, he also knew that upon the death of Domingo Manlincon, Juana Manlincon succeeded to the right of her father in the ownership of the fishpond. The trial court ruled that the resulting situation was a sort of a special trust in which Juana Manlincon, in conjunction with the children of the first marriage, Moises and Francisca Manlincon, was the beneficiary and the defendant Magno de Vera, the trustee.

We are of the opinion that the judgment of the trial court is correct. The defendant Magno de Vera, with his admitted knowledge of the fact about the ownership of the property, could not be in a better situation than that of Maxima Arenas if the latter had registered it in her own name. As stated in *Gayondato vs. Treasurer of the Philippine Islands*, Magno de Vera may be considered as a trustee, not in its technical sense, but for a want of a better term.

The appealed judgment is therefore affirmed, and it is so ordered with costs against the appellants.

The appealed judgment is therefore affirmed, and it is so ordered with costs against the appellants.

Moran, C.J., Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

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