

**ROGACIANO ARMENTIA AND ANACLETA SUELO,
PLAINTIFFS-APPELLANTS, VS. MAYOR FRANCISCO TOBIAS,
REPRESENTING THE MUNICIPALITY OF CABATUAN, EMILIANO DEL
CAMPO, MUNICIPAL TREASURER, AND...**

G.R. No. L-24814. January 30, 1970

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Defeated in the Municipal Court of Cabatuan, Province of Iloilo, and again thwarted by the Court of First Instance of Iloilo, plaintiffs, in their appeal in forma pauperis, seek the reversal of the last named court's order dismissing their complaint which prays that they be awarded damages for the seizure and public auction sale of a carabao which they claim to be theirs but for which they hold an admittedly falsified certificate of ownership of large cattle not in their name but in the name of one Marcelino Mayormente.

The facts are not disputed. On June 23, 1962, defendant chief of police seized from plaintiffs a male carabao, eight years old, with municipal and owner's brands of CB and M, respectively. Also seized was covering Certificate of Ownership of Large Cattle No. 3180194 issued on May 17, 1957 in the name of Marcelino Mayormente. This seizure concededly was made upon the authority of a municipal ordinance of the Municipality of Cabatuan, enacted in pursuance of Sections 538 and 540 of the Revised Administrative Code. On July 25, 1962, defendant municipal treasurer caused to be sold at public auction the aforesaid carabao for P285 to one Elias Gallar. That sale was later approved by the Provincial Board of Iloilo.

1. Plaintiffs aver that they acquired the carabao in question sometime in 1959 from Marcelino Mayormente in exchange for an old carabao. Ownership Certificate 3180194 heretofore mentioned was turned over to them. That this ownership certificate is falsified is beyond debate. On this point, the lower court's finding not disputed but on the contrary admitted by plaintiffs is this: "To resolve whether the plaintiff acquired the ownership of the carabao in question, we examined plaintiff's Exhibit A [Certificate of Ownership of Large Cattle 3180194 in the name of Marcelino Mayormente] and we found therein erasures which can be clearly seen with a naked eye. The name Marcelino Mayormente after the phrase – 'This certificate witnesseth that Mr. Marcelino Mayormente' - has been written over an erasure of the said space and so with the signature of Marcelino Mayormente over the lines 'signature of owner' [which] is also written over an erasure. Also, after the phrase 'brand of owner' the mark there M is also over an erasure. We noted that all these superimposed writings are written in a different indelible pencil and distinctly different from the other writings in Exhibit A. Also at the back of said Exhibit A, we noticed erasures which could clearly be seen on both figures of the carabao representing their cowlicks. These erasures clearly show that this certificate was altered and falsified."

The original of the said Certificate of Ownership of Large Cattle 3180194, Exhibit B, on file with the office of the municipal treasurer of Cabatuan, conclusively proves the fact that the copy thereof seized from plaintiffs' possession was falsified. In that Exhibit B, it appears that the owner was Hilario Torquemada, not Marcelino

Mayormente; that the carabao described therein was one and one-half years old and the brand owner is H, contrary to what appears in plaintiffs' document, Exhibit A, which says that the carabao was three years old and the brand of the owner M. Then the description of the cowlicks of the carabao in Exhibit B are different from those found at the back of Exhibit A.

In addition, there is the fact that plaintiff Rogaciano Armentia filed a complaint for falsification of public document against Marcelino Mayormente for having falsified said Certificate of Ownership of Large Cattle 3180194.

2. It would appear then that the sole question that presents - itself is whether or not, on the face of the foregoing facts, the seizure and public auction of the carabao by the local officials of Cabatuan give plaintiffs a cause to complain for damages.

The question here presented is by no means new. *Landa vs. Tobias* (1968), 23 SCRA 928, was decided by this Court on facts strikingly similar. The defendants now before us were also defendants in the *Landa* case. There was a seizure of a carabao which was in the possession of therein plaintiff Ciriaco Landa. There, as here, the date of the seizure is June 23, 1962. The date of the auction sale is likewise the same - July 25, 1962. Landa's proof of ownership of the carabao was a certificate that was also falsified. It was likewise issued in the name of Marcelino Mayormente, the same name appearing in the certificate of ownership possessed by plaintiffs herein, the Armentias. In *Landa*, the registered owner appearing on the certificate on file in the municipal treasurer's office was also different - a certain Pantaleon Elvas. The arguments posited in *Landa* are along the same lines as the arguments presented by plaintiffs here. In *Landa*, the Court of First Instance of Iloilo dismissed plaintiff's complaint for damages. And we affirmed.

We need but reproduce in haec verb the pertinent portions of our decision in the *Landa* case. Speaking thru Mr. Chief Justice Roberto Concepcion, we there said:

"Plaintiff maintains that the lower court erred in holding that he had no title to the carabao, for non-compliance, on his part, with the provisions of the Revised Administrative Code, requiring the registration of cattle, prescribing the procedure for the transfer thereof, regulating amendments to certificates of ownership, and establishing the necessity of registration and issuance of a certificate of transfer in order that the same may be valid. He invokes the provision of the Civil Code, governing contracts in general, to the effect that 'contracts shall be obligatory in whatever form they may have been entered into provided all essential requisites for their validity are present.' In addition, to the essential requisites specified in the Civil Code, the Revised Administrative Code prescribes, however, another requisite, as regards the transfer of title to the cattle, namely, the registration of said transfer and the issuance to the transferee of the corresponding certificate of transfer, neither of which has been proven in the case at bar.

Although plaintiff claimed to have the aforementioned certificate of transfer, but he did not produce the same. In fact, plaintiff could not possibly have such certificate, for the carabao was allegedly conveyed to him by Marcelino Mayormente, whereas the registered owner is Pantaleon Elvas - and plaintiff knew this fact - and there is no competent proof that Elvas had ever assigned the animal to Mayormente. Again, the complaint for swindling filed against Mayormente indicates that the carabao did not belong to him. Regardless of the aforementioned provisions of the Revised Administrative Code, the title to the carabao could not have passed, therefore, to Landa, in consequence of his alleged transaction with Mayormente, who had no such title. It may not be amiss to note that Mayormente might be no more than a figment of the imagination, for he has neither taken the witness stand nor been found."

After we described the alterations on the certificate of ownership presented by Landa, we ruled that:

"Under these circumstances, it is clear that the policemen had reasonable grounds to suspect that plaintiff's

possession of the carabao was unlawful, as well as to seize the animal and deliver the same to the municipal treasurer, as provided in Section 538 of the Revised Administrative Code. Pursuant thereto and to Section 540 of the same Code, said municipal treasurer had, not only the authority, but, also, the 'duty' to issue, post and cause to be served a notice of the seizure or taking of said animal, and, if the owners thereof 'fail to present themselves within the time specified in the notice and prove title to the animals taken or seized as aforesaid,' notice of such fact shall be given by said officer to the provincial board, 'which shall order said animals to be sold at public auction,' after giving the notice prescribed in said legal provision. The 'purchaser at such sale shall' - in the language of Section 540 - 'receive a good and indefeasible title to the animal sold.'

Even if plaintiff were hypothetically the true owner of the carabao in question, his only remedy was, accordingly, to claim it before the municipal treasurer and prove to the latter his (plaintiff's) title thereto, either prior to or at the time of the auction sale. Not having done so, plaintiff can not now make such claim judicially and try to prove his title - which, after all, he has failed to establish - much less seek indemnity from the public officers who, by reason of their official duties, had a hand in the seizure and sale of the carabao.

Considering the stipulation of the parties herein, to the effect that said sale had been 'duly approved by the Provincial Board,' apart from the legal presumption 'that official duty has been regularly performed' we must assume that defendants herein had complied with the requirements of the legal provisions above referred to, and, consequently, they can not be held liable for the aforesaid seizure and sale.

Plaintiff further alleges that the lower court erred in not declaring that the public auction of the carabao in question as 'astray' is against the law, because the animal was taken or seized from him, not found astray. This pretense is groundless. It is not borne out by paragraph 3 of the partial stipulation of facts cited by him in support thereof. The sale at public auction was held pursuant to the aforementioned Section 540, captioned 'Sale of unclaimed' - not astray - 'animal,' although referring to 'all estray and all animals recovered from thieves or taken by peace officers from persons unlawfully or reasonably suspected of being unlawfully in possession of the same' - which are the subject-matter of Section 538 - the owners of which 'fail to present themselves within the time fixed in the notice and prove title to the animals taken or seized as aforesaid.' Such is precisely, the situation obtaining in the case at bar."^[1]

No reason exists why we should break away from the Landa pronouncements. We are not to lose sight of the purpose of the legal provisions requiring the branding and registration of ownership of large cattle. As early as 1910, we have said in *U.S. vs. Toribio*, 15 Phil. 85, 89, that: "The Act primarily seeks to protect the 'large cattle' of the Philippine Islands against theft and to make easy the recovery and return of such cattle to their proper owners, when lost, strayed, or stolen. To this end it provides an elaborate and compulsory system for the separate branding and registry of ownership of all such cattle throughout the Islands, whereby owners are enabled readily and easily to establish their title; it prohibits and invalidates all transfers of large cattle unaccompanied by certificates of transfer issued by the proper officer in the municipality where the contract of sale is made; and it provides also for the disposition of estrays and animals recovered from the possession of thieves or persons unlawfully in possession, so as to protect the rights of the true owners. All this, manifestly, in order to make it difficult for any one but the rightful owner of such cattle to retain them in his possession or to dispose of them to others."

3. There is no question in our mind that upon the provisions of Section 538 of the Revised Administrative Code, the carabao in dispute was lawfully seized by defendant chief of police from plaintiffs who were "unlawfully or reasonably suspected of being unlawfully in the possession" thereof. Nor should there be any quibbling as to the right of defendant municipal treasurer to dispose of said carabao pursuant to Section 540 of the Revised Administrative Code, as we have ruled in *Landa vs. Tobias*. For, the certificate of ownership there presented in the first place is falsified on its face. To be stressed at this point are the provisions of Section 527 of the Revised Administrative Code, thus: "Erasures, interlineations, or amendments in certificates of registry or transfer shall be

presumed to be invalid unless noted over the signature of the official or persons issuing or executing the same." Appropriate it is to state that the alterations superimposing the name of Marcelino Mayormente on the certificate in question do not bear the signatures required in Section 527 aforesaid. Those alterations, therefore, are invalid, no evidence to the contrary having been adduced. We are thus hard put to conclude that Marcelino Mayormente is the legal owner of the carabao. Not being the owner, he had nothing to transfer to plaintiffs. And, as we have observed in Landa, plaintiff Rogaciano Armentia's complaint against Marcelino Mayormente for falsification of public document "indicates that the carabao did not belong to him."

Furthermore, there is Section 529, Revised Administrative Code, which stands in plaintiffs' way. It states that "[n]o transfer of large cattle shall be valid unless the same is registered and a certificate of transfer obtained as herein provided." Gauged by this requirement, the transfer to the Armentias of the carabao cannot be valid and, in the words of this Court in *Veloso vs. Becerra*, 34 Phil. 334, 335, "conveyed no title" to them. For, such transfer is not registered; and they did not obtain a certificate of transfer in their names or in that of either of them.[2] Under the circumstances, of course, this transfer could not have been possible. Because no legal transfer from the registered owner, Hilario Torquemada, to Marcelino Mayormente or to plaintiffs, for that matter, was proved. At any rate, as was ruled in the Landa decision, plaintiffs' remedy was to claim the carabao before the municipal treasurer and prove their title thereto, prior to or at the time of the auction sale. Which they did not.

We thus conclude that the Armentias have not duly established their ownership to the carabao; and that it was only in pursuance of a legal duty that defendant local officials seized the carabao and caused it to be sold. They may not be held liable for damages to plaintiffs.

FOR THE REASONS GIVEN, the lower court's order of December 23, 1964 dismissing plaintiffs' complaint is hereby affirmed.

No costs allowed.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, and Barredo, JJ., concur.

[1] At pp. 931-933

[2] See: Section 517, Revised Administrative Code; *Ramos vs. Hijos de I. De la Rama*, 15 Phil. 554, 557.

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