

**EVARISTO CORPUZ, PETITIONER, VS. SUSANA CORPUZ, ET AL.,
RESPONDENTS.***G.R. No. L-7495. September 30, 1955*

Ponente: REYES, A., J.

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The property; involved in this appeal is a parcel of land of about 1,854 square meters covered by Original Certificate of Title No. 5980 of the land records of Nueva Ecija. By a deed executed on November 12, 1934, some eleven years after Bernarda Mantile's death, Francisco Corpuz conveyed the land by way of sale to the spouses Domingo Cruz and Eugenia Rigal for the sum of P80. The dispute is between an heir of the wife of the vendor and the heirs of the vendees.

It appears" that the vendees had an only son named Isabelo Corpuz, who married Susana Santiago and had three children with her. In 1943, with Domingo and his son Isabelo already deceased, their widows Eugenia Rigal and Susana Santiago had a misunderstanding and, for that reason, the certificate of title to the property in dispute was, together with other documents, entrusted by them to the mayor of Rizal, Nueva Ecija; but upon the death of the latter during the Japanese occupation the title was lost, and with a view to securing a duplicate thereof, Susana Santiago enlisted the help of Evarsito Corpuz, one of the children of the vendors. Pretending to help Susana, what Evaristo did was to secure a duplicate certificate of title for himself and once it was obtained, he refused to deliver it to Susana, telling her that they had better litigate the matter in court. Hence the present action, which was filed by Susana in her capacity as judicial guardian of her children, all minors, with the deceased Isabelo Corpuz, as only heirs of the deceased Domingo Corpuz and Eugenia Rigal. The complaint prays for judgment ordering the defendant Evaristo Corpuz to deliver to plaintiff the second Owner's Duplication Certificate of Title which defendant obtained from the Register of Deeds; declaring defendant to be without right to possess the said duplicate as the land covered by the same had already been conveyed to Domingo Corpuz; and adjudging damages and costs to plaintiff.

Answering the complaint, defendant alleged that the deed of sale supposed to have been executed by Francisco Corpuz in favor of Domingo Corpuz and his wife was fictitious and void and, in any event, the vendor had no authority to make the sale because the land sold was conjugal property, it being alleged in this connection that Bernarda Mantile died intestate in 1923, long before the sale, and that the defendant and his brothers and sisters, Daniel, Inocencio, Narciso, Escolastica, Canuta, and Felicidad, all surnamed Corpuz, had by operation of law become the owners of one-half of the land in question through inheritance from their deceased mother.

After trial, the court rendered judgment in favor of plaintiff, ordering defendant to surrender the second Owner's Duplicate Certificate of Title No. 5980 to plaintiff and declaring defendant to have no right to possess the same, but denying the claim for damages. On appeal to the Court of Appeals, the udgment of the inferior court was confirmed and the case is now before us on appeal by certiorari.

We note at the outset that plaintiff's title derives from the deed of sale executed by Francisco Corpuz on

November 12, 1934, which describes the land sold as registered in the Office of the Register of Deeds of Nueva Ecija "bajo el Certificado Original de Título No. 5980 a nombre de Francisco Corpuz y Bemarda Mantile tya difunta." Such being the case, it is to be presumed that the land was the conjugal property of Francisco Corpuz and Bernarda Mantile, and the presumption stands because there appears to be no proof to the contrary. It is significant that in the deed Francisco Corpuz declares himself absolute owner of the land merely on the basis of the fact that his wife was already dead.

The Court of Appeals, however, took the view that, even supposing the property to be conjugal, still "in accordance with the law in force at the time of the sale and decided cases, the surviving husband, as administrator of the community property, had authority to sell conjugal property without the concurrence of the children of the marriage." The assertion is inaccurate because, at the time of the sale, Act No. 3176, which took effect in 1924, had already been approved. Said Act declared that when the marriage is dissolved by the death of the husband or wife, the community property shall be administered and liquidated in the testamentary or intestate proceedings of the deceased spouse, or in an ordinary liquidation and partition proceeding. In the present case, there has been no liquidation or partition of any kind and, under the Act, the death of the wife did not make the husband the de facto administrator of the conjugal estate or invest him with power to dispose of the same. In fact, the Act declares that a sale, without the formalities established for the sale of the property of deceased persons, "shall be null and void, except as regards the portion that belongs to the vendor at the time the liquidation and partition was made." The cases cited as authority by the Court of Appeals were either decided before the approval of the Act or referred to sales antedating said approval and, are, therefore, not controlling in the present case. Thus in the case of *Ocampo et al. vs. Potenciano et al.*, (89 Phil., 159) where the authority of a surviving spouse to dispose of the conjugal property was put in issue, this Court said:

"The Court of Appeals erred in supposing that the surviving spouse had such authority as de facto administrator of the conjugal estate. As pointed out by appellants, the decisions relied on by that court in support of its view are now obsolete: Those decisions laid down the rule that, upon the dissolution of the marriage by the death of the wife, the husband must liquidate the partnership affairs. But the procedure has been changed by Act No. 3176 (approved on November 24, 1924), now section 2, Rule 75, of the Rules of Court, which provides that when the marriage is dissolved by the death of either husband or wife, the partnership affairs must be liquidated in the testate or intestate proceedings of the deceased spouse." *Moran, Comments on the Rules of Court*, 3rd ed., Vol. II, p. 324.). *Ocampo et al. vs. Potenciano et al.*, L-2263, promulgated May 30, 1951.)

Conformably to what has been said above, the sale made by Francisco Corpuz of the land covered by Original Certificate of Title No. 5980 should be held to have conveyed title only to the vendor's share in said land, with the result that the legal heirs of the deceased Bernarda Mantile cannot be deemed to have been divested of their title to her share of the property.

With the property jointly owned by the heirs of the vendor's deceased wife and the heirs of the vendees, the latter set of heirs are not entitled to have exclusive possession of the Torrens certificate of title now said to be in the possession of the defendant, who is one of the other set of heirs. Perhaps plaintiff's remedy is to ask for another Owner's Duplicate Certificate. But before that is done, title to the property should first, through appropriate procedure, be recorded in the joint names of both sets of heirs as co-owners.

In view of the foregoing, the judgment below is revoked in so far as it declares defendant without right to possess the Owner's Duplicate Certificate of Title herein involved and orders him to surrender it to plaintiff. Defendant's claim for damages, referring to the products of the land, may not be adequately adjudicated in the present case because his co-heirs, who should have equal interest in such damages, have not been made parties and cannot, therefore, be bound by any adjudication that may be made on said claim.

The appellee shall pay the costs.

Bengzon, Acting C. J., Padilla, Montemayor, Jugo, Bautista Angela, Labrador, and Reyes, J. B. L., JJ., concur.

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