

**BENEDICTO M. JAVIER, AS ADMINISTRATOR OF THE ESTATE OF
EUSEBIO CRUZ, PETITIONER, VS. DOMINGA VDA. DE CRUZ, AND
LEONILA, ROMAN, ELISEO, LIBERATA, AND MELECIO, ALL
SURNAMED CRUZ, ...**

G.R. No. L-25891. November 29, 1977

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is an appeal by the plaintiff from the decision of the Court of First Instance of Rizal in Civil Case No. 5996 entitled "Benedicto M. Javier, etc. vs. Dominga Vda. de Cruz, et al." the dispositive part of which reads:

"IN VIEW OF THE FOREGOING, judgment is hereby rendered one in favor of the defendants and against the plaintiff dismissing the two above-entitled cases, dissolving the writ of preliminary injunction, ordering the plaintiff to pay attorney's fees in the sum of One Thousand Pesos (P1,000.00), and condemning the said plaintiff to pay the costs of suit.

IT IS SO ORDERED.

Pasig, Rizal, August 29, 1962.

(Sgd.) Andres Reyes

(/t) ANDRES REYES

Judge"[1]

The Court of Appeals, in a resolution promulgated on March 19, 1966 certified to the Supreme Court the case because "the value of the property in question is more than half a million pesos x x x" hence "is beyond the jurisdiction of this Court." [2]

On February 1, 1960 Benedicto M. Javier, as administrator of the Estate of Eusebio Cruz, instituted against Dominga Vda. de Cruz and her children Civil Case No. 5996 to declare null and void a deed of sale of a part of a parcel of land located in Barrio San Isidro, Taytay, Rizal containing an area of 182,959 square meters and assessed at P4,310.00 under Tax No. 9136 under Tax No. 9136 in the name of Estate of E. Cruz.

The amended complaint stated that Eusebio Cruz, who died on February 2, 1941 at the age of 100 years without leaving any will nor compulsory heirs, was the absolute and exclusive owner of a parcel of mountainous and un-improved land situated in sitio Matogalo, Taytay, Rizal which he inherited from his forebears, described therein; that during his lifetime, Eusebio Cruz had been living with one Teodora Santos "without the sanction of marriage"; that Teodora Santos had with her as distant relatives and proteges the brothers Gregorio Cruz and Justo Cruz; that Gregorio Cruz was the father of Delfin Cruz, deceased husband of defendant Dominga Vda. de Cruz and father of defendants Leonila, Roman, Eliseo, Liberata and Melecia, all surnamed Cruz; that on January 16, 1941 Delfin Cruz, by means of deceit and in collusion with persons among them his father Gregorio Cruz

made Eusebio Cruz, who could read and write, stamp his thumb mark on a deed of sale of a portion of the land described in the complaint consisting of 26,577 square meters for the sum of P700.00 in favor of said Delfin Cruz; that at that time Delfin Cruz did not have the amount of P700.00 and Eusebio Cruz did not receive the said amount; that at the time Eusebio Cruz was almost dying and as a matter of fact he died seventeen days after, on February 2, 1941; that the defendant Dominga Vda. de Cruz together with her children co-defendants, taking advantage of the approved plan of the land in question obtained through the efforts of the plaintiff, acting in absolute bad faith and relying upon the fraudulent deed of sale, presented an application in their names for the registration and confirmation of title of the totality of the said land with an area of 182,959 square meters instead of only the portion of 26,577 square meters supposedly sold by the late Eusebio Cruz to Delfin Cruz; and that the application for registration of title was docketed as Land Registration Case No. N-2637 of the lower court.[3]

In their answer filed on May 5, 1960 the defendants alleged that Eusebio Cruz and Isidora Santos were legally married and had lived together for more than 50 years; and that the property described in the complaint was bought by the spouses Eusebio Cruz and Isidora Santos during their marriage. As affirmative defense, they stated that the plaintiff, Benedicto Javier, has no legal capacity to sue as administrator because all the properties of Eusebio Cruz had been disposed of for consideration by Eusebio Cruz; that the defendant, Dominga Vda. de Cruz and her late husband; Delfin Cruz, acquired title of the land in question by way of absolute sale from the spouses Eusebio Cruz and Isidora Santos; that the said sale was thumbmarked by Eusebio Cruz and Isidora Santos and acknowledged before Notary Public Ciriaco Valle and was registered under Act No. 3344 in the Registry of Deeds of Rizal; and that the defendants have occupied publicly, openly, continuously, peacefully and adversely against the whole world for more than 18 years since January 16, 1941.[4]

The petitioner assigns the following errors:

"I

THE LOWER COURT ERRED IN CONSIDERING MATTERS NOT IN EVIDENCE IN ITS RENDITION OF ITS DECISION.

II

THE LOWER COURT ERRED IN NOT HOLDING THAT THE MATOGALO LAND WAS ACQUIRED BY EUSEBIO CRUZ ORIGINALLY BY INHERITANCE FROM HIS MOTHER, AND PASSED, UPON HIS DEATH, TO HIS INTESTATE ESTATE.

III

THE LOWER COURT ERRED IN ADMITTING SECONDARY EVIDENCE OF A SUPPOSED PURCHASE OF THE MATOGALO LAND BY EUSEBIO CRUZ, TO PROVE HIS MODE OF ACQUISITION OF SAME.

IV

THE LOWER COURT ERRED IN NOT HOLDING THAT THE DEED OF SALE DATED JANUARY 16, 1941 (EXH. A OR 1) AND AFFIDAVIT OF TRANSFER OF REAL PROPERTY DATED JANUARY 21, 1941 (EXH. 8) ARE VOID AND INEXISTENT, FOR FRAUD AND LACK OF CON-SENT OF AND CONSIDERATION TO EUSEBIO CRUZ.

V

THE LOWER COURT ERRED IN NOT HOLDING THAT THE DEED OF SALE (EXH. A OR 1) AND AFFI-DAVIT OF TRANSFER OF REAL PROPERTY (EXH. 8) ARE PRESUMED FRAUDULENT, EUSEBIO CRUZ BEING ILLITERATE AND DOES NOT KNOW HOW TO READ AND WRITE, AND THERE BEING NO EVIDENCE THAT THEIR CONTENTS WERE FULLY EX-PLAINED TO HIM.

VI

THE LOWER COURT ERRED IN NOT HOLDING THAT, ASSUMING ARGUENDO THAT THE DEED OF SALE (EXH. A OR 1) AND AFFIDAVIT OF TRANSFER OF REAL PROPERTY (EXH. 8) WERE VALID, THE LAND INVOLVED REVERTED BACK IN FEE SIMPLE TO THE INTESTATE ESTATE OF EUSEBIO CRUZ, BY ACQUISITIVE PRESCRIPTION.

VII

THE LOWER COURT ERRED IN RENDERING JUDGMENT IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF."[5]

The main issue is the validity of the deed of sale, Exhibit A.

The trial court declared the sale valid because:

"x x Under the well-settled doctrine of the presumption of regularity of official acts and of private transactions, the Court could see no reason how the piece meal and wavering testimonial evidence presented by the plaintiff could possibly rebut the clear import of defendants' documentary evidence."[6]

However, the undisputed facts of record support the evidence of the plaintiff that the deed of sale of the land in question is void and inexistent for lack of consent and consideration.

It is a fact that on January 17, 1941 when the deed of sale was executed, Eusebio Cruz was almost 100 years old and was in a weak condition.

Leonardo Valle, son of the notary public, Ciriaco Valle, declared that Eusebio Cruz was already very old and could not answer the question whether the signature on the deed of sale, Exhibit A, was his signature. The pertinent portion of the testimony of Leonardo Valle reads:

"Q What did your father do when you arrived at the house of Eusebio Cruz in Calle Javier, Taytay, Rizal?

A My father asked Eusebio Cruz whether the signature affixed in Exhibit A was his signature.

Q From whom did your father ask that question?

A My father asked that question from Eusebio Cruz.

Q What did Eusebio Cruz answer to the question asked by your father if he ever answered anything?

A Eusebio Cruz could hardly answer because he was already very old.

Q As a matter of fact, did Eusebio Cruz answer your father when your father asked him the question?

A Eusebio Cruz could not answer. He could not understand him.

Q What happened after your father asked Eusebio Cruz and the latter could not answer?

A Delfin Cruz told my father that it was really the signature of Eusebio Cruz so that my father went home to have the document ratified at home."[7]

Eusebio Cruz could not talk, was very ill and was about to die when his thumbmark was affixed on the deed of sale, Exhibit A.[8]

Delfin Cruz did not have any means of livelihood. He was only the houseboy of Eusebio Cruz.[9]

It is obvious that on January 17, 1941 Delfin Cruz could not have raised the amount of P700.00 as consideration of the land supposedly sold to him by Eusebio Cruz.

Although the deed of sale, Exhibit A, purports to convey a parcel of land with an area of only 26,577 square meters, defendants, as heirs of Delfin Cruz, claim a much bigger land containing an area of 182,959 square meters assessed at P4,310.00.[10] The consideration of P700.00 is not only grossly inadequate but is shocking to the conscience. No sane person would sell the land claimed by the defendants for only about P40.00 per hectare.

In view of the foregoing, this Court finds that Eusebio Cruz did not voluntarily affix his thumbmark on the deed of sale, Exhibit A, and did not receive any consideration for said sale.

No damages can be awarded to the plaintiff for lack of factual and legal basis.

WHEREFORE, the decision appealed from is hereby reversed and the deed of sale, Exhibit A, is declared null and void and the estate of Eusebio Cruz is declared the owner of the land described in the amended complaint. The defendants are ordered to desist from in any manner disturbing the possession of the administrator of the estate of Eusebio Cruz of the land in question. No pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, Martin, and Guerrero, JJ., concur.

[1] Record on Appeal, p. 132, Rollo, p. 22.

[2] Rollo, pp. 68-70. The resolution was written by Justice Hermogenes Concepcion Jr. and concurred in by Justice Juan P. Enriquez and Justice Edilberto Soriano.

[3] Record on Appeal, pp. 62-70, Rollo, p. 22.

[4] Ibid., pp. 73-84, Rollo, p. 22.

[5] Brief for the Plaintiff-Appellant, pp. 11-13.

[6] Record on Appeal, p. 129, Rollo, p. 22.

[7] T.S.N., pp. 8-9, Civil Case No. 5996, May 16, 1960.

[8] Testimony of Fermina C. de Leon, T.S.N., p. 4, November 20, 1961.

[9] Testimony of Melencio Resurreccion, grand-son of Eusebio Cruz, T.S.N., pp. 2-5, August 5, 1960.

[10] Exhibit H, Record of Exhibits, p. 16.

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