

SEGUNDA PORNELLOSA AND JOSE ANGELES, PETITIONERS, VS. THE LAND TENURE ADMINISTRATION AND HERMINIO GUZMAN, RESPONDENTS.

G.R. No. L-14040. January 31, 1961

Ponente: PADILLA, J.

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PADILLA, J.:

Petition for certiorari under Rule 46 to review a judgment of the Court of Appeals (C.A.-G.R. No. 13901-R).

An action to compel the Director of Lands to execute a deed of sale of a residential lot in favor of the petitioners upon payment of the purchase price of P1,505, to declare null and void a deed of sale of the lot executed by the then Minister of Agriculture and Natural Resources in favor of the respondent Herminio Guzman, to collect from the defendants the sum of P1,000 as actual and P5,000 as moral damages, and to secure other just and equitable relief, was brought by the petitioners in the Court of First Instance of Manila (civil No. 8695). After trial the Court rendered judgment in favor of the petitioners granting them the relief prayed for except the amount of moral damages which was reduced to P2,000.00. The trial court dismissed the defendant's counterclaim. They appealed and the Court of Appeals rendered judgment reversing that of the Court of First Instance and dismissing the petitioners' complaint (C.A.-G.R. No. 13901-R). Hence this petition for certiorari to review the judgment rendered by the Court of Appeals.

The facts as found by the appellate court are:

The lot in controversy is a part of the Santa Clara Estate on which many families have settled through the consent of its owner. Each paid a rental which, in all likelihood, was fixed proportionately to the extent of the holding. There is no evidence whether or not an occupant was given a formal contract for the specific portion he holds.

In May, 1941, the Santa Clara Estate was acquired by the Government under the provisions of Commonwealth Act No. 539, section 1 of which recites thus:

"The President of the Philippines is authorized to acquire private lands or any interest therein, through purchase or expropriation, and to subdivide the same into home lots or small farms for resale at reasonable prices and under such conditions as he may fix to their bona fide tenants or occupants or to private individuals who will work the lands themselves and who are qualified to acquire and own lands in the Philippines."

The administration and disposition of the land so acquired was entrusted to an Office known as the Rural Progress Administration.[1] This Office was abolished later on and its functions were transferred to the Bureau of Lands.[2] Recently, such duties were given to the Land Tenure Administration.[3]

The evidence tends to show that on April 1, 1941 the plaintiffs acquired by purchase the rights of occupation of the lot in question on the strength of a document which reads as follows:

"Dapat Mabatid ng Madla:

"Akong si Vicenta San Jose, may sapat na gulang, walang asawa (balo), na nakatira sa daang Galicia, Sampalok, Maynila, ay pinatotohanan kong tinanggap ko ang halagang ISANG DAAN AT LIMAN-PUNG PISO (P150.00) kay Gng. Segunda Pornellosa bilang kabayaran sa aking bahay na nakatayo sa daang Galicia, bilang 502. Kaya't isinasalin ko sa kanila ang boong kapangyarihan sa nasabing bahay, ganon din ang karapatan na sila ang makikipag-unawaan sa pamahalaan sa pagbili ng nasabing lupa.

Sa katotohanan ay aking inilagda ang aking pangalan sa kasunduang ito sa harap ng mga saksi at ganon ang tatak ng aking hinlalaki, ngayon ika 1 ng Abril ng 1941.

(FDO.) Vicenta San Jose

Saksi:

Moises San Pedro"

(Exhibit A)

The vendor, Vicenta San Jose", was an old tenant thereof. After the purchase of the Santa Clara Estate by the Government, the plaintiffs were allowed to make payments on account of the purchase price of the lot which, as fenced, included two hundred (200) square meters. All the amounts so paid were duly receipted as shown by Exhs. B, C, D, E, F, G, H, and I. Following these payments the plaintiffs sent a check in the amount of P200.00 but it was not accepted. Thereafter the plaintiffs found out that the lot, the right of occupancy of which they had purchased from Vicenta San Jose, had been subdivided into two smaller lots, Nos. 44 and 78, Block No. 12. Lot No. 44 had been sold to Herminio Guzman. The plaintiffs then filed a complaint and, as a result, the investigator, Atty. Vizconde, recommended that the lot vacated by San Jose be restored to them.

The evidence of the defendants is purely documentary. We do not deem it necessary to dwell thereon.

The appellate Court held:

Our discussion will be confined to the proposition of whether or not the plaintiffs are entitled to purchase from the Government the lot formerly held by San Jose, allegedly including about two hundred (200) square meters. The plaintiffs believe they are, relying mainly on the deed of sale executed by San Jose in their favor (Exh. A). In that document, however, the area of the lot on which San Jose's house stood had not been specified, nor had the boundaries thereof been mentioned. Any receipt for the rentals paid by San Jose to the old management of the Santa Clara Estate would have given us an idea of the extent of her holding on the basis of the amount of the rent paid, but none was presented. The plaintiffs presented a sketch, Exh. L-1, which allegedly represents the lot they claim. But this piece of evidence is devoid of persuasive value, considering that the old subdivision plan was not offered.

Significantly, the plaintiffs cannot show a contract whereby the Rural Progress Administration has sold or promised to sell them a lot of two hundred square meters. It is true that they hold receipts (Exhs. B, C, D, E, F, G, H, and I) for payments made on account of the purchase price of a lot but in none of them are the number of the lot and its area stated. On the contrary, a note was visible in all the said receipts, except two, which reads: "subject to further re-adjustment". The plaintiffs claim that a certain Moises San Pedro, Sr. supervisor of collectors of the Sta. Clara Estate, made them believe that the lot they had purchased was, more or less, of 200 square meters, as enclosed by a fence at the time San Jose vacated it. They furthermore claim that San Pedro explained that the note "subject to further re-adjustment" appearing in their receipt meant that their lot would be increased or decreased should the proposed extension of the adjoining street (the Lealtad St.) would eventually be carried out. It suffices to say that it does not appear that San Pedro by his position in the Government had power to sell any of the lots included in the Santa Clara Estate. It is obvious that such power resides only in the Chief of the Office in charge of the disposition of lands acquired by the Government for resale to the needy. It would not be amiss to state further that receipts of payment issued to other purchasers of

lots not adjoining any street invariably carries the warning: "subject to further re-adjustment".

Pornellosa, one of the plaintiffs, was given lot No. 78 and she would not agree. She tried to convince us that lot No. 44 was given to a wrong party, Herminio Guzman, who was not a bona fide occupant thereof. Guzman might not have been a bona fide occupant, but the law does not bar him from acquiring the lot, at least, as against the plaintiffs who have not satisfactorily established their right thereto. The intention of the law in authorizing the acquisition of the Santa Clara Estate was to give home to the homeless. Jose B. Angeles, the husband of Segunda Pornellosa and one of the plaintiffs here, presently resides with his family in a house built on a lot included in the Santa Clara Estate and which had been sold to him by the Government. The intention of the law, as stated is to give home to the homeless, and let that be a reality if we are to lend a contribution to the building of a strong and law-abiding citizenry.

Now for all the reasons stated above, we believe that the plaintiffs failed to established their right to compel the Director of Lands, now the Chairman of the Land Tenure Administration, to execute a deed of sale conveying to them a residential lot as they claim in this action.

It appearing that the functions of the Bureau of Lands in the administration of lands acquired through purchase or expropriation by the government for resale have passed to the Land Tenure Administration, the Director of Lands, as one of the defendants here, is understood substituted by the Chairman of the Land Tenure administration, and all the pleadings are accordingly amended.

The finding of the Court of Appeals that the petitioners have failed to prove that lot 44 is included in the lot formerly occupied by Vicenta San Jose, their predecessor-in-interest, is binding upon this Court. A party claiming a right granted or created by law must prove his claim by competent evidence. A plaintiff is duty bound to prove his allegations in the complaint. He must rely on the strength of his evidence and not on the weakness of that of his opponent.

In their amended complaint, the petitioners allege that they and their predecessor Vicenta San Jose, from whom they bought the residential lot in litigation containing an area of 200 sq. m. more or less, had been for many years in actual possession thereof, and that following the avowed policy of the government to sell the lots acquired from the Santa Clara Estate, of which the residential lot in litigation forms part, only to bona fide occupants or tenants thereof, the defunct Rural Progress Administration agreed to sell to them the said residential lot (pp. 1, 2-3, rec. on app.). Reviewing the petitioners' evidence, the Court of Appeals found that in Exhibit A, the deed of sale executed by Vicenta San Jose in favor of Pornellosa, "the area of the lot on which San Jose's house stood had not been specified, nor had the boundaries thereof been mentioned;" and that there is no showing of the extent of the alleged vendor's holding or interest. Besides, the petitioners have not presented any document or evidence showing that the defunct Rural Progress Administration had agreed to sell to them the residential lot in litigation. Granting that the respondent Herminio Guzman is not entitled to acquire by purchase the said residential lot, still that fact does not relieve the petitioners from the duty of proving by competent evidence the allegations of their complaint.

Moreover, the deed of sale (Exhibit A), allegedly executed by Vicenta San Jose in favor of Pornellosa is a mere private document and does not conclusively establish their right to the parcel of land. While it is valid and binding upon the parties with respect to the sale of the house erected thereon, yet it is not sufficient to convey title or any right to the residential lot in litigation. Acts and contracts which have for their object the creation, transmission, modification or extinguishment of real rights over immovable property must appear in a public document.^[1] The petitioners having failed to prove their right to acquire lot 44 under Commonwealth Act No. 539 cannot compel the respondent, the Land Tenure Administration, to convey the lot to them.

The judgment under review is affirmed, with costs against the petitioners.

Paredes, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

[1] Section 2, Commonwealth Act 539; Executive Order 191, dated 2 March 1939, 37 Off. Gaz., 705.

[2] Section 2, Executive Order 376, dated 28 November 1950, 46 Off. Gaz., 5330.

[3] Sections 3 and 28, Republic Act No. 1400.

[1] Article 1358(1), new Civil Code, article 1280(1) old Civil Code.

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