

SUSANA. C. CORPUZ, IN HER CAPACITY AS GUARDIAN OF THE PERSONS AND PROPERTIES OF THE MINORS, RENATO, VICENTE AND ERLINDA, ALL SURNAMED CORPUZ, PLAINTIFFS AND APPELLANTS, VS. DOMI...

G.R. No. L-6786. March 21, 1956

Ponente: PARAS, C.J.

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PARAS, C.J.:

The spouses Domingo Geronimo and Olimpia Legaspi owned a parcel of land situated in the municipality of Rizal, province of Nueva Ecija, containing an area of a little more than two hectares, which they sold on April 11, 1936 to the spouses Domingo Corpuz and Eugenia Regal, as a result of which transfer certificate of title No. 10229 was issued in their names. Domingo and Eugenia had a son named Isabelo Corpuz who was married to Susana Santiago Corpuz. On June 10, 1939, Eugenia thumb-marked a document acknowledging the receipt of P100 from Domingo Geronimo and Olimpia Legaspi and reciting that the latter could repurchase the land within four years, Domingo Corpuz not being able to sign the document because he was then in Manila for medical treatment, although Isabelo Corpuz was one of the witnesses thereto. Domingo Corpuz died on February 21, 1943. On March 1, 1946, Eugenia Regal thumb-marked another document, this time reselling and reconveying the land to Domingo Geronimo and Olimpia Legaspi for the sum of P550 one of the witnesses to the document being Isabelo's wife, Susana Santiago Corpuz. Eugenia Regal and Isabelo Corpuz died successively, the first on July 6, 1946, and the second soon afterwards. On August 14, 1947, Susana Santiago Corpuz, in her capacity as guardian of Renato, Vicente and Erlinda Corpuz her minor children with the deceased Isabelo Corpuz, executed an extra-judicial partition of the estate that passed to them from their deceased father (Isabelo Corpuz) and deceased grandparents (Domingo Corpuz and Eugenia Regal), among which was the land covered by transfer certificate of title No. 10229. By virtue of such partition, transfer certificate of title No. T-1995 was issued in the name of said minors on August 16, 1947. Inasmuch as Domingo Geronimo, who was then in possession of the land, had refused to part with said possession, Susana Santiago Corpuz, in her capacity as guardian of the persons and properties of the minors Renato, Vicente and Erlinda, she was appointed as such in special proceedings No. 206, filed in the Court of First Instance of Nueva Ecija a complaint against Domingo Geronimo, praying that the latter be ordered to vacate the land and to pay to Susana an amount equivalent to 180 cavanos of palay, plus the sum of P500 as damages.

The defense set up by the defendant in his answer was that the transaction between the spouses Domingo Geronimo and Olimpia Legaspi and the spouses Domingo Corpuz and Eugenia Regal which took place in 1936 was a pacto de retro sale and that, as a matter of fact, Eugenia Regal resold the land to the defendant in 1946, in conformity with a previous agreement. After trial, the court rendered a decision dismissing the complaint and holding that the defendant and his wife are the true and legal owners of the land described and covered by transfer certificate of title No. T-1995. From this decision the plaintiff appealed.

The trial court found that there is no proof to show that the transaction in 1936 was a pacto de retro sale, although

it ruled that under the evidence defendant's theory that the land was resold to him and his wife should be sustained. Reliance has been placed on the two documents thumbmarked by Eugenia Regal, the first "on June 10, 1939 and the second on March 1, 1946, and on the fact that the first was witnessed by Isabelo Corpuz (plaintiff's husband and son of the spouses Domingo Corpuz and Eugenia Regal), and the second was witnessed by the plaintiff herself. The trial court moreover held that Eugenia Regal must be considered as having acted as the legal representative of her deceased husband Domingo Corpuz in the matter of the reconveyance which she executed in 1946 in favor of the spouses Domingo Geronimo and Olimpia Legaspi; and that the plaintiff, by acting as a witness to the document of resale, must be considered as having participated there on behalf of her minor children. There can be no dispute that the land in question, after its purchase from the spouses Domingo Geronimo and Olimpia Legaspi, became the conjugal property of the spouses Domingo Corpuz and Eugenia Regal (Article 1401, old Civil Code), and that upon the death of Domingo, the conjugal partnership was dissolved (Article 1417, old Civil Code), one undivided half becoming the property of Eugenia (Article 1392, old Civil Code), and the other undivided half (which pertained to the deceased Domingo Corpuz) passing to the latter's heir, Isabelo Corpuz. (*Suliong & Co. vs. Chio-Taysan*, 12 Phil., 13, C. J. Arellano in *Bondad vs. Bondad*, 34 Phil., 232.) Without judicial appointment Eugenia Regal could certainly not be considered as the administratrix of the estate of her deceased husband Domingo Corpuz, and it was not enough to assume that, under the law, she would eventually have been appointed as such. Neither was it sufficient to suppose that the reconveyance by Eugenia Regal in 1946 was merely in virtue of the previous agreement to resell, "first because said agreement was evidenced by a document thumb-marked by Eugenia on June 10, 1939, without any, participation on the part of her husband Domingo Corpuz who was then alive, and secondly because the reconveyance executed on March 1, 1946 was beyond the stipulated period of four years, and there was no finding that any valid extension was ever granted. The fact that Isabelo Corpuz, deceased husband of the plaintiff and father of the minors Renato, Vicente and Erlinda,' was one of the witnesses of the document of June 10, 1939, cannot have any effect on Isabelo as to the land in question, because Domingo Corpuz was then alive and said land was still the latter's property. Much less could the fact that the plaintiff acted as a witness to the document of reconveyance thumb-marked by Eugenia Regal on March 1, 1946, bind the minors Renato, Vicente and Erlinda, because Eugenia in the first place had no authority to sell the undivided half of the conjugal property pertaining to her deceased husband and passing after the latter's death to his heir, Isabelo Corpuz. "A sale by a woman of property which pertained to the conjugal partnership of herself and her deceased spouse, who is survived by legitimate children, is void as the half pertaining to the husband passed by operation of law to the said children upon the husband's demise." (*Talag vs. Langkengko, et al.*, No. L-4623, October 24, 1952.) In the second place, even assuming that, by acting as a witness, the plaintiff was estopped, her act could not legally prejudice her minor children, inasmuch as on the date of the transaction, March 1, 1946, she was not yet the legal guardian of her children's property; and even as natural guardian she was prohibited from selling, ceding or compromising her wards' interest or property without judicial authority. (Article 169, old Civil Code; *Palanca vs. Baguisi*, 38 Phil., 172).

Wherefore, the appealed decision is reversed; the minors Renato, Vicente and Erlinda, all surnamed Corpuz, represented herein by the plaintiff-appellant, are declared owners of an undivided one half of the land covered by transfer certificate of title No. T-1995, the other undivided one half belonging to the defendant-appellee; and the plaintiff-appellant is ordered to return to the defendant-appellee the sum of P275 representing one half of the repurchase price paid by the latter to Eugenia Regal. So ordered, without costs.

Bengzon, Padilla, Montemayor, Reyes, A., Bantista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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