

FILOMENA CUSTODIO, ET AL., PETITIONERS, VS. FILOMENA CASIANO, ET AL., RESPONDENTS.*G.R. No. L-18977. December 27, 1963*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e88e0953e7c5/>**BAUTISTA ANGELO, J.:**

Filomena Custodio, et al., who are the children of Alejandra, Gregoria and Trinidad, all surnamed Custodio, filed on October 7, 1953 a complaint before the Court of First Instance of Cavite against Filomena Casiano, et al., the widow and children, respectively, of Ciriaco Custodio, alleging, among other things, that their grandfather, Isaac Custodio, purchased during his lifetime for a valuable consideration but on installment basis from the Caridad Estate of Cavite, Inc. a parcel of land situated in the City of Cavite, which is more particularly described in paragraph 3 of the complaint; that although the title to the land was not placed in the name of Isaac before he died on April 15, 1927, due to his inability to pay in full the purchase price, his rights thereto passed to his children, namely, Ciriaco, Alejandra, Gregoria, and Trinidad, in the proportion of 1/4 each; that upon payment by Alejandra of the remaining installments, the Caridad Estate of Cavite, Inc. suggested that the deed of sale be executed in the name of their brother Ciriaco since he was the only male in the family, and having the three sisters agreed to the suggestion, the document was executed as suggested and, pursuant thereto, Transfer Certificate of Title No. 5800 covering the land was issued in the name of Ciriaco Custodio, married to Filomena Casiano; and that having discovered later that defendants were intending to sell the land to the prejudice of the plaintiffs, the latter instituted the present action.

In the answer they filed after their motion to dismiss was denied, defendants averred that they are the sole and exclusive owners of the land since the same was purchased by their predecessor-in-interest Ciriaco Custodio from the Caridad Estate of Cavite, Inc. as a result of which Transfer Certificate of Title No. 5800 was issued in his name. And as a special defense, defendants contend that the land having been registered under the Land Registration Act (Act 496) the title issued in relation thereto is conclusive as to all matters contained therein, aside from the fact that the cause of action of plaintiffs, if any they have against defendants, has already prescribed.

After trial, the court a quo rendered judgment declaring plaintiffs and defendants, with the exception of Isagani Geronimo, Filomena Casiano and Sixto Braseró, co-owners of the land in litigation, and ordering the cancellation of Transfer Certificate of Title No. 5800 and the issuance of another in their names in the proportion therein specified, with costs against defendants.

Dissatisfied with this decision, defendants appealed to the Court of Appeals which, on September 8, 1961, rendered judgment declaring defendants the sole and exclusive owners of the land described in Transfer Certificate of Title No. 5800. Hence the present petition for review.

In reversing the decision of the court a quo, the Court of Appeals based its ruling on the theory that since no trust relation was proven between the predecessors-in-interest of both petitioners and respondents, or that they were co-owners of the land in question, for as a matter of fact the land appears registered in the name of Ciriaco

Custodio, coupled with the fact that petitioners filed the instant action only after the lapse of 25 years from the date of the registration of the land in Ciriaco's name, the right of action of petitioners has already prescribed. This ruling is now assigned as error.

We find merit in this petition for review. An examination of the evidence on record will clearly reveal that the land in question was formerly a part of a big estate known as "Hacienda Dona Bartola" which the Caridad Estate of Cavite, Inc. bought in 1921. This hacienda was later sub- divided into small lots for resale to the public giving preference to actual occupants. Isaac Custodio was the occupant of the land in question he being the lessee of its former owner. Taking advantage of the offer given by the owner to the occupants, Isaac bought the land he was occupying for P800.00 in 1922, making as down payment the value of the shares he was holding with the corporation worth P600.00. When Isaac died on April 15, 1927, the title has not yet been issued to him in view of his inability to pay the purchase price in full, but the balance of P60.00 was advanced by his daughter Alexandra. Upon the payment of this balance, the manager of the corporation suggested that since Ciriaco was the only male in the family it would be convenient that the title be issued in his name, to which his three sisters agreed. But this notwithstanding after the registration of the title in the name of Ciriaco in 1928, his sister took possession of the land, with the exception of Ciriaco who was never in possession thereof. It further appears that, although the title of the land was issued in the name of Ciriaco the same however was at all times kept in the possession of Alejandra, and later of Valeriano, an uncle of plaintiffs, and it was only in 1951 when the title was given to Filomena Casiano who had requested for it in connection with a transaction. It finally appears that during the lifetime of Ciriaco the latter had always acknowledged the ownership of his sisters over the land and after his death his widow had also acknowledged on several occasions that the predecessors-in-interest of the parties were co-owners of the land.

Contrary to the above facts respondents were not able to advance any proof justifying the purchase by Ciriaco of the property in question other than the mere fact that the title was issued in his name, but of course this stand cannot be sustained for it appears sufficiently refuted by convincing evidence on record. It is significant to note that respondents at first claimed that the property was bought by Ciriaco directly from the Caridad Estate of Cavite, Inc., but when confronted by evidence showing that it was originally bought by Isaac Custodio, they later insinuated that it was only given to him by Isaac out of gratitude for services he rendered to his father. This inconsistent stand cannot but lend cogency to the claim of petitioners that the title to the land was issued in the name of Ciriaco merely with the understanding that he would act as a trustee of his sisters. There being, therefore, a relation of co-ownership between the predecessors-in-interest of the parties herein, it follows that the right of petitioners to bring the present action cannot be deemed barred by prescription:

"Under the foregoing facts it is evident, and it must be so declared, that, when the defendant procured the registration of this land in his own name, he was acting in a trust capacity and as representative of all of his brothers and sisters. As a consequence he is now holding" the registered title thereto in a trust capacity, and it is proper for the court to declare that the plaintiff are entitled to their several pro rata shares, notwithstanding' the fact that the certificate of registration is in the name of the defendant alone." (Castro, vs. Castro, 57 Phil., 675)

"* * * it is averred in the complaint that that patent was applied for by Luis Mabana pursuant to aft agreement entered into between him and his co-heirs that he should put the title in his name subject to the condition that he was merely to act as a trustee of Ms co-heirs. In other words, it was their understanding that while a title was to be issued in the name of Luis Mabana, a partition, of the property would later be effected between him and his co-heirs. This Luis Mabana failed to do, and when the property as appropriated by his heirs, the present action was instituted. There is therefore the relation of trust between Luis Mabana and his co-heirs which gives to the latter the right to recover their share in the property unimpaired by the defense of prescription." (Mabana vs. Mendoza, et al., 105 Phil., 260)

The contention that petitioners cannot bring the instant action because of laches cannot be sustained. In order that this defense may be invoked, the following requisites must be present; (1) conduct on the part of the defendant giving rise to the situation for which plaintiff seeks a remedy; (2) delay in asserting complainant's rights after he had knowledge of the defendant's conduct and after he have had an opportunity to take action; (3) lack of knowledge on the part of the defendant that the complainant would assert the right on which he bases his suit; and (4) injury or prejudice to the defendant in the event relief is accorded to the complainant.[1]

The elements abovementioned are not here present, with the exception probably of the first one where we stated that because of the conduct of respondents in requesting for the delivery of the title, petitioners were prompted to institute the present action. But not with regard to the rest. It appears that petitioners did not lose time in asserting their right when they came to know of the conduct of respondents as regards their design to take advantage of the property. Neither can respondents claim lack of knowledge that petitioners would someday assert their right for they knew right along that their predecessors-in-interest was merely a trustee of his other co-heirs. And respondents cannot finally invoke prejudice on their part in the event relief is accorded to petitioners for that is the consequence they should naturally expect from the relation of trust that existed between their predecessor-in-interest and his co-heirs. As a consequence, respondents cannot invoke the defense of laches.

Wherefore, the decision appealed from is reversed. The decision of the court a quo dated April 2, 1956 is hereby revived. No costs.

Padilla, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] Go Chi Gun, et al., vs. Co Gho, et al., L-5208, February 28, 1955; Concordia Mejia de Lucas vs. Gamponia, L-9335; October 31, 1956; Vergara .vs. Vergara, L-17524, May 18, 1962

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.