

BRICCIA DEL VALLE, PLAINTIFF AND APPELLANT, VS. LEON MERCADO ET AL. LEON MERCADO AND JULIA QUIZON, DEFENDANTS AND APPELLEES, AND MAXIMA QUIZON ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 10991. September 21, 1916

Ponente: TORRES, J.

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TORRES, J.:

This appeal by bill of exceptions was raised by the plaintiff Briccia del Valle and by the defendants Estanislaua, Maxima, Lutgarda, Salud, and Julia Quizon, from the judgment of February 25, 1915, in which the Court of First Instance of Batangas absolved all the defendants from the complaint and held that the disputed land, designated in Exhibit G in blue pencil, is the same that was allotted to Julia Quizon in the partition of her parent's estate and which was afterwards sold to the defendant Leon Mercado, and that, consequently, the said land belonged to the latter; without express finding as to costs.

On July 14, 1914, counsel for Briccia del Valle filed a written complaint in the Court of First Instance of Batangas, alleging as a cause of action that the parcel of rice land situated in the barrio of Poctol of the pueblo of San Juan de Bocboc, now Bolbok, Province of Batangas, the description, metes and bounds of which are specified in paragraph II of the complaint, formerly belonged to Vicente Quizon and his wife Gregoria Mojica; that after Vicente Quizon's death, his widow Gregoria Mojica, with the consent of his heirs, in or about the year 1886 mortgaged the said land to Juan Buquid as security for the sum of P500; that in 1908 this land was redeemed by the herein plaintiff by paying to Juan Buquid the amount owing him, after obtaining the consent of the heirs of the original owners of the property named Dorotea, Estanislaua, Juan, Maxima, and Julia, all surnamed Quizon; that the defendant Leon Mercado, in or about the month of May, 1914, by means of coercion, threats and force, took possession of a part of the said land, measuring approximately 55 cavanese of seed rice, raising balisas to mark the boundary lines, which piece or parcel of land is more particularly described in paragraph IV of the complaint and yields an average income of P2,150 for each agricultural year; and that, by the unjust detention of the said property, the plaintiff had suffered losses and damages in the amount of P2,400. He, therefore, prayed the court to render judgment in his behalf for the ownership and possession of the said land usurped by the defendant Leon Mercado, and, besides, to order the latter to pay P2,400 as losses and damages and for the products he had failed to receive.

On August 15, 1914, the defendant Leon Mercado answered the aforementioned complaint, denying all the allegations therein contained, and in special defense alleged that the land that is the subject-matter of the complaint belonged to him in fee simple, as he had purchased it from Julia Quizon, its previous owner, and that the heirs of Gregoria Mojica had never consented to the plaintiff's possession of the said land. He therefore asked, for the purposes of the warranty of title, that Julia Quizon be summoned to appear and that she be included as a party to the proceedings, and that the court absolve him from the complaint, with the costs against the plaintiff.

After the said Julia Quizon had been ordered to be included as a party-defendant, her counsel answered the aforesaid complaint, admitting that the land claimed had belonged in fee simple to Vicente Quizon and his wife Gregoria Mojica, and denying each and all of the other facts alleged in the complaint. In special defense he alleged that in the extra judicial partition of his predecessor-in-interest's estate between his client and her coheirs named Dorotea, Estanislaua, Juan, and Maxima, all surnamed Quizon; and Florentino, son of Justa Quizon; Julian, son of Urbano Quizon; Lutgarda, daughter of Lutgardo Quizon; the plaintiff Briccia del Valle, widow of Regino Quizon; and her daughter, Salud Quizon, the land that is the subject-matter of the complaint corresponded and was adjudicated to his client, Julia Quizon, as a part of her lawful share in her deceased parents' estate, and that she afterwards sold it to the defendant Leon Mercado; that as the heirs of the said spouses Vicente Quizon and Gregoria Mojica were necessary parties for the proper determination of the suit, he prayed the court to order them to be included as parties to these proceedings.

The said heirs Julia, Estanislaua, Maxima, Lutgarda and Salud, all surnamed Quizon, answered the complaint filed by Briccia del Valle, contesting the claims put forward by the defendants Leon Mercado and Julia Quizon. In their respective answers they stated substantially that the plaintiff Briccia del Valle and her husband Regino Quizon redeemed the said land from Juan Buquid in 1908, after first obtaining the consent of the heirs of Vicente Quizon and Gregoria Mojica, and that while the plaintiff was in possession of the land until May, 1914, the defendant Leon Mercado usurped a part of the property and continued to hold the same up to the present.

After a hearing of the case and the introduction of evidence by both parties, the court rendered the judgment aforementioned, to which the defendants excepted and in writing moved for a reopening of the proceedings and a new trial. These motions were overruled, exception was taken by the defendants and, upon the filing of the proper bill of exceptions, the same was approved and forwarded to the clerk of this court.

The questions, then, to be decided in these proceedings, consist in determining with precision which is the land claimed by the plaintiff Briccia del Valle, and whether it is the same as that now held by the defendant Leon Mercado as the owner thereof, and which was by him in turn acquired from Julia Quizon.

The witness Juan Quizon, presented by the plaintiff, drew the rough sketch Exhibit G, said to be a plan of the exact situation of the disputed property, shown therein in blue pencil, together with the adjacent lands; but from this evidence adduced by the plaintiff herself it does not appear that this property has the same metes and bounds as the land specified in the complaint.

It appears to have been fully proven at the trial that on September 26, 1886, Gregoria Mojica, widow of Vicente Quizon, for the consideration of P500 received by her from Juan Buquid, loaned the latter a parcel of agricultural land for a period of seven years from January 1, 1887. This land had an area of about 60 cavaness and was bounded on the north by a partly filled-in estero which runs in a straight line to a ditch bordering another parcel of land belonging to Gregoria Mojica; on the south, by another partly filled-in estero which flows into the Lauaye River and by another piece of land belonging to Gregoria Mojica; on the east, by another estero and land's of the same Gregoria Mojica; and on the west, by a ditch and a piece of land belonging to Baltazar de Villa. (Exhibit A, pp. 43-46, record.)

On October 1, 1909, the heirs of Gregoria Mojica, named Dorotea, Estanislaua, Juan and Maxima Quizon, and Florentino Mercado, Miguela Melendres and Julia Quizon executed a private document whereby they conveyed to Regino Quizon and his wife Briccia del Valle, in consideration of the sum of P500, the mortgage of the land given as security to Juan Buquid, on condition that they could not redeem the land from the said Del Valle until after the expiration of five years counting from November 1, 1908, and that the redemption must be made by all the coheirs at the same time and no one of them alone could redeem the land. According to this document, the land

contained an area of 30 cavanos and was bounded on the north by lands belonging to the said heirs; on the south, by a parcel of land belonging to Julia Quizon; on the east, by the Balet Estero; and on the west, by lands of Esteban de Villa. (Exhibit B, pp. 47-49, record.)

Now then, by a public instrument of the date of May 22, 1914, one of the heirs of Gregoria Mojica named Julia Quizon, otherwise known as Sor Consuelo de San Agustin, sold to the defendant Leon Mercado and to his wife Emiliana Sales, for P3,500, the land that had fallen to her in the extrajudicial partition between the said heirs of the estate left by their deceased parents, Vicente Quizon and Gregoria Mojica (Exhibit 1, p. 78, record). The land so sold is situated in the barrio of Poctol of the pueblo of San Juan de Bocboc, has an area of 24 hectares and is bounded on the north by lands of Canuto Magtibay and the Tabon Estero; on the south, by the Bancoro River; on the east, by the Tabon Estero and other lands belonging pro indiviso to the heirs of Gregoria Mojica; and on the west, by lands of Esteban de Villa. (Exhibit 1 [record, p. 80], which is the only evidence the defendant presented of the right he claims to retain the disputed property.)

The plaintiff, Briccia del Valle, and the six witnesses who under oath testified in her behalf, stated that the land that fell to Julia Quizon by the said extrajudicial partition is situated south of the land here in question.

It is to be supposed that while the defendant Mercado was negotiating with Julia Quizon y Mojica for the purchase of the parcel of land that was allotted to the latter in the partition of the estate left by her parents, the said purchaser, before acquiring it, had wished to survey the land he desired to buy, and that, therefore, after it was surveyed on May 14, 1914, it was formally sold on May 22 of the same year for the price of P3,500. (Exhibit 1.)

The plaintiff, considering herself the exclusive owner of the land in question, immediately brought proceedings to recover its possession, though she should have kept in mind that it is an invariable rule laid down in numerous decisions of this court, that a person who claims the ownership of a real property is in duty bound to clearly identify the land claimed, in accordance with the titles on which he founds his right of ownership, and he shall not be permitted to rely upon defects of the defendant's title. (*Compania General de Tabacos vs. Topino*, 4 Phil. Rep., 33; *Sanchez Mellado vs. Municipality of Tacloban*, 9 Phil. Rep., 92; *Belen vs. Belen*, 13 Phil. Rep., 202; and *Santos and Espinosa vs. Estejada*, 26 Phil. Rep., 398.)

The plaintiff's ownership right in the disputed land does not appear to be shown in a satisfactory and conclusive manner, inasmuch as the record does not disclose that it was determined which is the land that she claims in her complaint, for, according to the deed of sale Exhibit B, the Quizon brothers and sisters, excepting Julia, sold the said land to the plaintiff under right of redemption, its area being 30 cavanos of rice seed and its boundaries as follows: On the north, the lands of the said brothers and sisters, heirs of Gregoria Mojica; the south, land of Julia Quizon; on the east, the Balet Estero; and on the west, land of Esteban Villa.

But the land alleged in the complaint to be detained by the defendant Mercado contains an area of 60 cavanos and has different boundaries, specified in the said complaint. Therefore, this property is not the same that the plaintiff purchased from the heirs of Vicente Quizon and Gregoria Mojica and which had previously been mortgaged to Juan Buquid. The latter, a principal witness for the plaintiff, was unable positively to state what were the exact boundaries of the land which Gregoria Mojica had given to him as security, and as the land which the plaintiff alleges that she bought from Mojica's heirs is the same property that she says she delivered to the said Juan Buquid, we are forced to conclude that the land claimed has not been duly identified by the plaintiff.

It is a proven fact that the aforesaid Gregoria Mojica had other lands adjacent to the one in question, in the same locality, which are now held by her heirs, a parcel of land having been adjudicated to Julia Quizon as a part of her hereditary share; and that according to the document Exhibit F, the said Julia Quizon, an inmate of the convent belonging to the Order of the Recollect and Augustine Nuns, sold to her brother Juan Quizon, on April 16, 1912,

for the sum of P1,000, the share of land that had fallen to her in the extrajudicial partition of her parents' estate among her brothers and sisters; that this sale had to be rescinded because the purchaser did not complete the payment of the purchase price, but that subsequently, in May, 1914, the said Julia Quizon sold the said property to the defendant Mercado for P3,500.

For the foregoing reasons, whereby the errors assigned to the judgment appealed from are deemed to have been refuted, and as the said judgment is in accordance with the law, we deem it proper to affirm the same, as we do hereby, with the costs against the appellants. So ordered.

Johnson, Moreland, Trent, and Araullo, JJ., concur.

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