

JOSE BRILLANTES, PLAINTIFF AND APPELLANT, VS. LORENZO MARGAREJO AND CELESTINA BELMONTE, DEFENDANTS AND APPELLEES.

G.R. No. 11930, February 02, 1917

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11930/>

CARSON, J.:

The prayer of the complaint in this action is for the annulment of deed of sale executed on the 10th day of August, 1903, by plaintiff's wife, Celestina Belmonte, which conveyed a parcel of land, forming part of her paraphernal property, to the defendant Lorenzo Margarejo, and further for the recovery of possession of the land therein mentioned, on the ground that the deed of sale was executed by plaintiff's wife after her marriage and without his authority, knowledge, or consent. The complaint was filed on the 12th day of March, 1915. Defendant pleaded prescription of the action thus instituted and judgment was rendered in his favor on various grounds, including that of the prescription of the action.

It is contended that since the evidence discloses that the wife of the plaintiff is still alive, the action should not be held to have prescribed under the provisions of article 1301 of the Civil Code, which are as follows:

"The action for nullity shall last four years. This term shall commence to run: * * * when the purpose of the action is to invalidate contracts made by a married woman, without consent or competent authority, from the date of dissolution of the marriage; * * *"

We are of opinion, however, that the provisions of this article, as also the provisions of article 1299 of the Civil Code, which relate to actions brought for the rescission of contracts and which were relied upon by the plaintiff in the court below, have been repealed by the provisions of chapter 3 of the Code of Civil Procedure. (Cf. Willard's Notes to the Spanish Civil Code, p. 75.)

Section 39, contained in that chapter, provides that: "civil actions can only be commenced within the periods prescribed in this chapter after the cause of action accrues: * * *"

Section 40, also contained in that chapter, provides that: "an action for recovery of title to, or possession of, real property, or an interest therein, can only be brought within ten years after the cause of such action accrues."

Section 43, also contained in the chapter, provides that: "civil actions other than for the recovery of real property can only be brought within the following periods after the right of action accrues:

"1. * * * * *

"2. * * * * *

"3. Within four years: * * * an action for an injury to the rights of the plaintiff not arising on contract and not hereinafter enumerated."

Section 44, also contained in that chapter, provides that: "an action for relief not herein provided for can only be brought within ten years after the cause of action accrues."

Since the undisputed evidence discloses that the cause of action accrued more than ten years prior to the institution of these proceedings, there can be no question that the action had prescribed under one or other of the above-cited provisions of the new Code of Civil Procedure, though we do not stop to consider or decide which of these periods of prescription should be applied in the case at bar, because the pleadings are so inartificially drawn as to render it difficult to determine the precise nature of the action, or rather of the theory upon which the case was finally submitted and tried in the court below, and it is not necessary for us to go into that question for the proper disposition of the case.

We conclude that the judgment entered in the court below should be affirmed, with the costs of this instance against the appellant. So ordered.

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

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.