

FRANCISCO MARTIR, ET AL., PLAINTIFFS AND APPELLANTS, VS. THE SPOUSES PEDRO TRINIDAD AND CARMEN VASQUEZ, DEFENDANTS AND APPELLEES.

G.R. No. 12057. May 20, 1959

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12057/>

LABRADOR, J.:

Appeal from an order of the Court of First Instance of Negros Occidental, granting a motion to dismiss.

The complaint alleges that the spouses Hilarion Martir and Legoria Martir, during their lifetime and up to year 1941, were in the possession and enjoyment of a parcel of public land under fishpond permit issued by the Government, which parcel of land they converted into a fishpond on which bangus was raised; that in his will Hilarion Martir devised said fishpond to Hermogenes Martir, and the will was admitted to probate; that in October, 1940 while Hermogenes Martir was judicial administrator of the estate of his parents, he obtained a loan from the defendants Pedro Trinidad and Carmen Vasquez; that to secure payment of said loan he executed a deed of conditional sale of the fishpond or his rights thereto; that defendants induced the said Hermogenes Martir through deceit, fraud or strategem, to execute the deed of conditional sale above mentioned; that said conditional sale was simulated and fictitious and, therefore, null and void. It is further alleged that by reason of such fraud and deceit plaintiffs herein had been caused damages in the amount of P60,000. In the prayer, plaintiffs seek to annul the above-mentioned conditional sale and the return of the fishpond, as well as the payment of damages to them.

The plaintiffs are minor children of the deceased Hermogenes Martir. From a decision of the Court of Appeals in CA-G.R. No. L-4054-R, entitled "The Government of the Republic of the Philippines and Pedro Trinidad, plaintiffs-appellants, vs. Angela Martir, Antonio Guanzon and Hilario Midez, defendants-appellees," submitted by the defendants in support of their motion to dismiss, it appears that there was a previous litigation for the recovery of the possession of the fishpond, and defendants in this action, plaintiffs in the said case, obtained a decision of the Court of Appeals declaring them entitled to the possession of the fishpond.

On the basis of the decision of the Court of Appeals, the defendants moved to dismiss, alleging the following grounds: (1) That plaintiffs have no cause of action; (2) That the cause of action, if any, is barred by a prior judgment and by the statute of limitations; and (3) That the action is not brought in the name of the real party in interest.

The lower court sustained the motion to dismiss, holding that the plaintiffs do not have a cause of action because they are not primarily or subsidiarily liable under the contract; that the action has prescribed because the same should have been filed 4 years from October 1, 1942, but that they filed this case only on June 27, 1957; and that it is also barred by a prior judgment.

Against the above order of dismissal, plaintiffs have prosecuted this appeal.

With respect to the first ground upon which the motion to dismiss was sustained, we find that appellants' claim

that a cause of action exists or existed in their favor is well taken. Plaintiffs in this action are the children of the late Hermogenes Martir who executed the deed of conditional sale, allegedly obtained by the defendants in a fraudulent manner. As the contract involved is a conditional sale of the rights to the fishpond, the subject of the contract are real rights thereto transmissible to the heirs of the deceased Hermogenes Martir. (Art. 776, old Civil Code).

Appellants argue also that the judgment rendered by the Court of Appeals is not binding on them. There is also merit in this contention because neither Hermogenes Martir nor his administrator were parties to said action.

The appellants further argue that the finding of the court below that the action has prescribed is not supported by the facts, for the reason that the plaintiffs herein are still minors and have not yet become of age, so that they can still bring the action. There is no merit in this argument. The cause of action arose in 1940, when the supposed deed of conditional sale was supposedly secured through fraud and deceit by the defendants in the case at bar. The cause of action arose from that date, as there is no allegation that fraud was discovered later. The cause of action accrued not in favor of the minors herein, but in favor of the father who was the person against whom fraud was committed. Their father died in 1943, and upon his death the four year period of filing the action on ground of fraud had not yet expired. But the disability of the plaintiffs can not be tacked to the disability caused by their father's death, because tacking of disabilities is not allowed.

"Except where the statute otherwise so provides, one disability cannot be tacked to another, nor the disabilities of an ancestor to those of the heir, to protect a party from the operation of the statute; nor can a party avail himself of several disabilities, unless they all existed at the time when the right of action accrued * * * This is an obedience to the universal rule, before stated, that when the statute once begins to run no subsequent disability can stop its operation, unless specially so provided in the statute." (Wood on Limitations, 3d edition, pp. 554-557).

'Disability cannot be added to disability. If that were permitted a right might travel through minorities for an indefinite time—for two centuries, Lord Eldon said. *Demarest m Wynkoop*, 3 Johns, Ch., 129, 139; 8 Am. Dec., 467/ (*Messinger vs. Foster*, 101 N.Y. Supp. 387.)"

"* * * The Rule stated is in complete harmony with the Civil Law on the subject; the heir or successor acquires the rights of the predecessor and no more. 'The heir represents the person of the deceased, and both are even considered as one same person: *haeres censetur, cum defuncto una eademque persona*; 'according to law,' says law 13, tit. 9, Part 7, 'the person of the heir and that of him from whom he inherits is considered as one.' (*Escrive's Dictionary*, title 'Heredere')."

"* * * The following are general rules as to successors: He who succeeds to the right or property of another must use the same right as he: *qui in jus dominumve alterius succedit, jure ejus uti debet*. The successor cannot be in a better condition than his predecessor: *non debeo meliores esse conditions quam auctor meus, a quo jus ad me transit*." (*Ibid.*, title "Successor.") (*Quijano and Heirs of Francis vs. Gomez Cabale*, pp. 49 Phil., 367).

Upon their father's death, his administrator or his heirs had the right to continue the action, which has already started to accrue, for the remaining period, which is only one year more. Instead of filing the action within that remaining period of time, the heirs brought the same only after 13 years from the time the right to bring it had expired.

The order of dismissal is hereby affirmed, on the ground of the limitation of the action, with costs against the appellants.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, and Endencia, 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.