

MARCIANO ESPIRITU, AS ADMINISTRATOR OF THE INTESTATE ESTATE OF JAYME ESPIRITU, PLAINTIFF AND APPELLANT, VS. SANTIAGO DE GUZMAN ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 12188. November 09, 1917

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

Marciano Espiritu, a brother of Jayme Espiritu, as the judicial administrator of the latter's estate, brought these proceedings for the purpose of redeeming a piece of land which is described in the complaint and was given in antichresis by Jayme Espiritu during his lifetime to Santiago de Guzman as security for a loan of ₱100 made by the latter to the former.

The complaint included Juana de Guzman, a daughter of Santiago, because the land that is the subject matter of the complaint was in her possession, as she had acquired it outright through an absolute sale made in her favor by Valentina Guevara, Jayme Espiritu's widow.

In that sense the Court of First Instance of Bulacan decided the case, dismissing the complaint, with the costs against the plaintiff.

The latter having appealed, we find, as disclosed by the trial record, that the absolute acquisition of the land on the part of Juana Guzman, through means of the contract of absolute purchase and sale executed in her favor after the death of Jayme Espiritu by his widow Valentina Guevara, is attested by the public instrument (Exhibit 2) executed by the latter in behalf of Juana de Guzman, a sister of the late Margarita Espiritu and of Jose Cubulla, and corroborated, besides, by her oral testimony.

The trial court found the following facts to have been proven: During his sickness Jayme Espiritu from time to time received from Juana de Guzman various sums of money aggregating in total P250, as the price of the land sold in absolute sale, and was unable to execute any document whatever; however, on the day of Jayme Espiritu's death, his widow executed the Exhibit 2, whereby the purchase and sale was consummated, Juana de Guzman having added to said sum that of P150 which completed the P400 received by Valentina Guevara as the total price of the land in question, as it so appears in the deed of sale.

Be it as it may, the real and evident fact is that Juana de Guzman is in possession of the land as having purchased, it from Valentina Guevara for P400. That fact is incontrovertible. It has been claimed that Valentina Guevara could not have sold the land, on account of its being the own private and exclusive property of her late husband, Jayme Espiritu, who had acquired it in exchange for a carabao of his, from Angel Mendoza, the former owner of the land; but that is not true, for it is disproved by the deed of absolute sale (Exhibit 1), made by Angel Mendoza and his wife Enrica Geraldez to Jayme Espiritu and his wife Vicenta Guevara at the price of P200, and no oral proof can be admitted against this document which, besides, has in no manner been impugned. We are not called upon to decide whether Valentina Guevara could sell all the land or only one-half of it, inasmuch as Valentina Guevara is not a party to this action, and upon her it would devolve to give, and she could give, a full explanation

of her acts in respect to this point. Furthermore, the rescission of this sale was neither requested nor discussed. The judgment appealed from is affirmed, with the costs of this instance against the appellant. So ordered. Torres, Johnson, Carson, Araullo, Street, and Malcolm, JJ., concur.

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