

PEDRO SANTOS, PLAINTIFF AND APPELLANT, VS. JULIAN SANTIAGO, GUARDIAN OF THE MINORS GASPARA AND SANTIAGO, SURNAMED SANTIAGO, AND MAXIMO ANGELES, DEFENDANTS AND APPELLEES.*G.R. No. 12208. September 09, 1918*

Ponente: AVANCEÑA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12208/>**AVANCEÑA, J.:**

This is an action for the forcible entry into and detainer of the land described in the complaint. It is alleged that the defendants, on December 15, 1915, by force, intimidation, and strategy, took possession of this land. From the decision rendered by the justice of the peace court of the municipality of Hagonoy, Bulacan, in which this case was originally instituted, an appeal was taken to the Court of First Instance, and the latter, considering that it had not been proven that the defendants had employed force and intimidation to obtain possession of the land, dismissed the complaint. From this judgment an appeal was taken to this court.

The land was principally devoted to the cultivation of rice and nipa. It was proven, without contradiction, that prior to December 15, 1915, the plaintiff was in possession of this land. Several days prior to this date, the defendant Julian Santiago, wishing to turn that part of the land planted with nipa into a fishery sold the nipa trees growing thereon, to his codefendant Maximo Angeles. On December 15, 1915, both defendants proceeded to cut the nipa groves, and since then the defendant Julian Santiago has continued in possession of the land.

The plaintiff states that, as he has heard that the defendants intended to destroy the nipa trees, and has learned, on December 15, 1915, that the defendants were actually on the land, he sent Pedro Santos and some other persons to see whether the defendants were cutting the nipa trees. When these agents returned they told the plaintiff that they had endeavored to prevent the defendants from cutting the nipa trees, but that the latter paid no attention to them. Then the appellant himself went to the place, and as, on arriving there, the defendants approached him with their bolos in their hands, he was frightened and withdrew. Pedro Santos testified that when he ordered the defendants not to cut the nipa trees, they surrounded him, with bolos in their hands, and threatened to give him blows if he did not leave. This statement, however, is probably untrue. When Pedro Santos reported to the appellant the result of his errand, he said nothing to the latter about the defendants' having threatened him (Santos) with their bolos, but simply said that they refused to cease cutting the nipa trees. On the other hand, when the appellant himself went to the land, the defendants made no use of their bolos to intimidate him, for the mere fact of their having approached him with their bolos in their hands does not mean that they intimidated him with this weapon; it must be remembered that the defendants were already carrying their bolos before they approached, and had been working with this implements.

But it is not necessary that the occurrences related by Pedro Santos in his testimony should have taken place, in order that it may be said that Julian Santiago's possession was obtained by force. His insistence in cutting the trees and his resistance or refusal to return the possession of the land to the plaintiff, who previously held it, is enough to render his possession a possession by force. We hold to be applicable to the present case the doctrine laid down

in the case of *Mediran vs. Villanueva* (37 Phil. Rep., 752), decided by the first division of this court. In that case Justice Street, who wrote the decision, said:

"In order to constitute the use of 'force' as contemplated in this provision (see 80, Cod. of Civ. Proc), the trespasser does not have to institute a state of war. Nor is it even necessary that he should use violence against the person of the party in possession. The act of going on the property and excluding the lawful possessor therefrom necessarily implies the exertion of force over the property, and this is all that is necessary. Under the statute entering upon the premises by strategy or stealth is equally as obnoxious as entering by force. The foundation of the action is really the forcible exclusion of the original possessor by a person who has entered without right. The words 'by force, intimidation, threat, strategy or stealth' include every situation or condition under which one person can wrongfully enter upon real property and exclude another, who has had prior possession, therefrom. If a trespasser enters upon land in open daylight, under the very eyes of the person already clothed with lawful possession, but without the consent of the latter, and there plants himself and excludes such prior possessor from the property, the action of forcible entry and detainer can unquestionably be maintained, even though no force is used by the trespasser other than such as is necessarily implied from the mere acts of planting himself on the ground and excluding the other party." (37 Phil. Rep., 756.)

The plaintiff also demands an indemnity for the damages sustained. The evidence shows that the defendants cut 3,000 clumps of nipa trees and that the value of each clump was P2. The defendant Julian Santiago admits that he was deriving benefit from the products of the land, the value of which products he did not specify, but, according to the plaintiff, amount to P600 net profit every year. We therefore agree that the value of the nipa trees cut is P6,000 and that the annual product of the land amounts to P600. We find, however, that the plaintiff is not entitled to be indemnified for the value of the nipa trees, and only for the value of their annual yield. It is only decided in this decision that the plaintiff had the material possession of the land and was unlawfully ousted from this possession. This gives him a right to be protected in his possession which was thus disturbed. But we do not decide that he is the owner of the land, because its ownership is not a subject matter of this action. He may not be the owner. Therefore the plaintiff is entitled only to an indemnity for the damages he suffered as mere possessor. Material possession involves only the enjoyment of the thing possessed, its use, and the collection of its fruits, and these are the only benefits of which the possessor is deprived in losing his possession. The value of the thing is represented by the thing itself, not by the products which it may yield. Were the herein plaintiff allowed, as damages, the value of the nipa trees cut, it would be taking for granted that he is the owner of the land—a point which is not to be decided in this case. As a necessary remedy in this case, the damages should be limited to those derived from the facts giving rise to the case, namely, the plaintiff's material possession.

All the foregoing statements concern the defendant Julian Santiago. With respect to the other defendant, Maximo Angeles, all that has been proven is that he helped to cut the nipa trees, on account of his having bought them of Julian Santiago; but, as the record does not show that he knew that Julian Santiago had no right to sell the trees, he has incurred no liability toward the plaintiff.

The judgment appealed from is reversed, and the defendant Julian Santiago is ordered to restore the land in question to the plaintiff and to pay him the sum of P600, as damages, for each year, beginning December 15, 1915, until the date of the restitution of the land; and said judgment is affirmed in so far as it absolves the other defendant Maximo Angeles.

No special finding is made as to costs. So ordered.

Torres, Johnson, Street, Malcolm, and Fisher, 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.