

FELICIANA EDRALIN, PETITIONER VS. ANDRES EDRALIN, ET AL., RESPONDENTS.

G.R. No. 14399. January 28, 1961

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

This is a petition to review on certiorari a decision of the Court of Appeals. The antecedent facts pertinent to the case are undisputed and are stated in the decision complained of as follows:

"As early as the year 1878, there exists in Bacarra, Ilocos Norte, an association of irrigators called 'Asociacion Zanjera de Santo Rosario Mamutbut'. It has its officers and headmen and keeps records and books listing its members and other matters pertaining to its business of communal irrigation system. To be a member of this association, one must appear in the books thereof and, whether male or female, must comply with his or her duties consisting of digging and maintaining the canals of the irrigation system, which, from time to time, were blocked by sand, stones and debris, in order to insure the continuous flow of water to the lands irrigated. This service is rendered as often as it is necessary and up to one hundred days every year. Such labor, however, may be performed either in person or through a substitute. As compensation therefor and as privilege for enrolled members, a share of the land of the association labelled in the dialect as 'tugao' was given to each of them. This share is usually about one hectare of riceland. Each member tills or cultivates his share, by himself or with the aid of tenants. The members enjoy the products of the land thus separately cultivated by them. They can declare for taxation purposes their respective shares and exercise rights of ownership over the same. As long as a member fulfills his obligations heretofore adverted to and does not violate the rules and regulations which may lead to his expulsion, he remains the owner and possessor of the land assigned to him. Contrariwise, he maybe expelled from the association and the 'tugao' or share is returned thereto for re-distribution.

"Originally' Nicolas Edralin and Gregoria Albano, husband and wife, were members of record of the association. Each of them was assigned separate lands. The share or 'tugao' of Nicolas Edralin consists of ten parcels of irrigated riceland situated in Bacarra, Ilocos Norte, (and described in paragraph III of the complaint). The share of Gregoria Albano was abandoned and reverted to the association. Upon the death of Nicolas Edralin, his portion was worked by his son, Antero Edralin. Unfortunately, Antero committed some infractions of the rules of the association, 'so he was removed from the group of irrigators'.

"In 1908, Andres Edralin solicited from the association that he be given the forfeited share which originally belonged to his grandfather, Nicolas Edralin. At the time, Andres Edralin felt that 'the share of my (his) grandfather should be revived by me (him) and the share of my (his) grandmother should be revived by my (his) sister Feliciana Edralin'. The amount required for admission as a member was P90.00. Of this amount P50.00 was paid in May, 1908, as follows (Exhibit I-a):

"24 May—Taken in trust by Mr. Cipriano Lagasca the sum of twenty pesos from that had been given by Andres and Feliciana Edralin intended as their beginning to plead for one name in the name of Don Nicolas Edralin in this irrigation association of Mamutbut Twenty Pesos

P20.00

idem.-Taken in trust by Benito Aceret coming from matter as noted above Fifteen Pesos

P15.00

idem.-Taken in trust by Balerio Bitao coming from matter as noted above Fifteen Pesos

P15.00

"Immediately after the above payment, the name of Andres Edralin was entered in the rolls of the association as a member. The balance of P40.00 was paid in April and July, 1909, as follows (Exhibit 3-a):

"14 April—Taken in trust by Benito Aceret from what had been paid by Andres Edralin as addition to (what he paid) so as to enter (the association)

P14.00

idem.—Taken by Mr. Cipriano Lagasca as additional payment of Andres Edralin

P6.00

* * * * *

"4 of July—Taken in trust by Benito Aceret from what had been given by Andres Edralin because of his (Edralin's) debt for his entry into the association as a member thereof P20.00

"The foregoing entries were taken from the book of the association."

On May 20, 1952, or more than forty years after Andres Edralin had been admitted as member of the association, his sister Feliciana Edralin filed the present action before the Court of First Instance of Ilocos Norte for the partition of the ten parcels of land given or assigned to him by the association and which formerly constituted the share or 'tugao' of their grandfather Nicolas Edralin. The complaint in substance alleged that the lands in controversy, which had been conveyed by defendant Andres Edralin to his co-defendants, his daughter Isabel and Gregoria, both surnamed Edralin, and daughter-in-law Gorgonia Dacuycuy-Edralin, are owned pro indiviso by plaintiff and defendant Andres Edralin. The complaint also averred that after the agricultural year 1944-45, defendants refused to deliver plaintiff's right share in the yearly "canon" of the said lands and accordingly prayed for recovery of the same or its money equivalent.

Answering the complaint, defendants claimed, among other things, that Andres Edralin acquired the parcels of land described in the complaint by purchase from the "Association Zanjera de Santo Rosario Mamutbut" of Bacarra, Ilocos Norte, with his own exclusive funds, and that plaintiffs action had already prescribed.

After trial, the lower court in its decision of January 14, 1954 found that the parcels of land sought to be partitioned belonged to neither plaintiff nor defendant Andres Edralin but to the "Asociacion Zanjera de Santo Rosario Mamutbut" and for this reason opined that the action for partition was improper. On the theory, however, that the plaintiff and the defendant, Andres Edralin, had bought share and share alike the usufructuary rights over the parcels of land in question, the trial court rendered judgment as follows:

"For all the foregoing considerations, the Court renders judgment declaring the plaintiff entitled to work and cultivate one half (1/2) pro-indiviso of the 10 parcels of land described in the complaint if she can do so personally, or else through tenants, but in case that she cannot do this, the defendant shall cultivate, irrigate and plant the 10 parcels of land taking two-thirds (2/3) of the produce thereof as his share as such irrigator, cultivator and worker, and one-third (1/3) thereof to be divided equally between him and the plaintiff. The defendant is ordered to pay damages to the plaintiff in the amount of Six & Two Thirds (6 2/3) baares of palay every year since 1944-45, or its equivalent value of P43.00. Without any special pronouncement as to costs."

On appeal, however, to the Court of Appeals, the judgment was reversed and the complaint dismissed, the said appellate court holding that defendant Andres Edralin alone re-acquired that share originally belonging to Nicolas Edralin. Contending that this finding of the Court of Appeals is a conclusion not supported by facts established by the evidence, plaintiff Feliciano Edralin brought the case to this Court through the present petition for review.

The petition is without merit.

The Court of Appeals, in holding that the share or "tugao" of Nicolas Edralin as a member of the "Asociacion Zanjera de Santo Rosario Mamutbut" was reacquired by defendant Andres Edralin alone, expressly found that the full amount of P90.00 entrance fee for membership in the association was paid by said defendant and that only he became the registered member of the association in respect of the lands in question. Plaintiff insists that the forfeited share of Nicolas Edralin, as found by the trial court, was reacquired not by the defendant Andres Edralin alone but by both of them. The fact, however, remains that only said defendant Andres Edralin appears in the rolls of the association as a member thereof. And while it is true that the first payments in 1908 on account of the entrance fee, amounting to P50.00 were entered in the book of the association in the names of defendant Andres Edralin and plaintiff, said entries, however, were found by the Court of Appeals to have been made by mistake. This finding is factual and is borne out by the record. Thus, the subsequent payments of the entrance fee were made exclusively in the name of defendant Andres Edralin. From 1908 up to the present said defendant has been in possession of the lands in question. He had declared them for taxation purposes exclusively in his name as early as 1911 and he has been paying the taxes thereon without plaintiff making any protest. Finally, the work on the land had always been done exclusively by Andres Edralin for his own account, and, plaintiff never intervened in the division of the produce thereof, which was appropriated solely and exclusively by defendants. Incidentally, these facts, found by the Court of Appeals to be either undisputed or established by the evidence, are conclusive and cannot be reviewed by this Court.

Moreover, there is, we think, good reason to doubt the merit or validity of plaintiff's claims. From 1908 up to the filing of the complaint in 1952, some 44 years have elapsed, during which plaintiff took no steps to assert her right over the property. The doubtful nature of her claims is further aggravated by the fact that in 1937 she and her brother, defendant Andres Edralin, had an extra-judicial partition of their common properties, and in that partition the lands in question, or, at least, their rights therein had not been included. These circumstances, as observed by the Court of Appeals, militate against the genuineness of plaintiff's claims.

"The assertion of doubtful claims, after long delay, cannot be favored by the courts. Time inevitably tends to obliterate occurrences from the memory of witnesses, and even where the recollection appears to be entirely clear, the true clue to the solution of a case may be hopelessly lost. These considerations constitute one of the pillars of the doctrine long familiar in equity jurisprudence to the effect that laches or unreasonable delay on the part of a plaintiff in seeking to enforce a right is not only persuasive of a want of merit but may, according to the circumstances, be destructive of the right itself. *Vigilantibus non dormientibus equites subvenit.*" (Buenaventura vs. David, 37 Phil., 435).

In view of the foregoing, the decision of the Court of Appeals is hereby affirmed, with costs against petitioner.

Paras, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Paredes, and Dizon, JJ., concur.

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