

**MIGUELA CARRILLO, FOR HERSELF AND AS ADMINISTRATRIX OF
THE INTESTATE ESTATE OF ADRIANA CARRILLO, DECEASED,
PLAINTIFF AND APPELLANT, VS. JUSTINIANO JAOJOCO AND
MARCOS JAOJOCO, DE...**

G.R. No. 21015. March 24, 1924

Ponente: AVANCEÑA, J.

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AVANCEÑA, J.:

On the evening of December 9, 1918, Adriana Carrillo executed a document of sale of eleven parcels of land, with one-half of the improvements thereon, situated in the barrio of Ulong-Tubig, municipality of Carmona, Province of Cavite, containing an area of 330,409 square meters, in favor of Marcos Jaojoco for the price of P4,000 which the seller admitted having received. Nine days afterwards Adriana Carrillo was declared mentally incapacitated by the Court of First Instance, and later on died; and proceeding having been instituted for the administration and settlement of her estate, her sister Miguela Carrillo was appointed judicial administratrix of said estate. In her capacity as such administratrix, Miguela Carrillo now brings this action for the annulment of said contract of sale executed by Adriana Carrillo on December 9, 1918, against Marcos Jaojoco, the purchaser, and his father Justiniano Jaojoco. The defendants were absolved from the complaint, and from this judgment the plaintiff appealed.

The plaintiff has attempted to prove that prior to the year 1918 and specially in the year 1917, Adriana Carrillo performed acts which indicated that she was mentally deranged. We have made a thorough examination of the character of those acts, and believe that they do not necessarily show that Adriana Carrillo was mentally insane. The same thing can be said as to her having entered the "Hospital de San Lazaro" and the "Hospicio de San Jose," in the absence of an affirmative showing of her motive for entering said institutions, for while it is true that insane persons are confined in those institutions, yet there also enter persons who are not insane. Against the inference that from said acts the plaintiff pretends to draw, in order to assert the mental incapacity of Adriana Carrillo in that time, there is in the record evidence of acts which more clearly and more convincingly show that she must not have been mentally incapacitated before the execution of the document sought to be annulled in this action. In January, 1917, her husband having died, she was appointed judicial administratrix of the latter's estate, and to this end she took the oath of office, gave the proper bond and discharged her functions in the same manner and with the same diligence as any other person of knowingly sound mind would have done. Documents were introduced which show complex and numerous acts of administration performed personally by said Adriana Carrillo, such as the disposition of various and considerable amounts of money in transactions made with different persons, the correctness of said acts never having been, nor can it be, put in question. We have given special attention to the fact of Adriana Carrillo having executed contracts of lease, appeared in court in the testate proceeding in which she was administratrix, and in fact continued acting as such administratrix of the estate of her husband until August, 1917, when for the purpose of taking vacation, she requested to be relieved from the office. On November 13, 1918, Adriana Carrillo entered the "Hospital de San Juan de Dios" by reason of having had an

access of cerebral hemorrhage with hemiplegia, and there she was attended by Doctor Ocampo until she left on the 8th of December of the same year very much better off although not completely cured. Asked about the mental incapacity of Adriana Carrillo during her treatment, Doctor Ocampo answered that he did not pay attention to it, but that he could affirm that the answers she gave him were responsive to the questions put to her, and that the hemiplegia did not affect her head but only one-half of the body. After leaving the "Hospital de San Juan de Dios" on December 8, 1918, Adriana Carrillo called at the office of the notary public, Mr. Ramon Salinas, and there executed the contract of sale in question on the 9th of that month. The notary, Mr. Salinas, who authorized the document, testified that on that day he has been for some time with Adriana Carrillo, waiting for one of the witnesses to the document, and he did not notice anything abnormal in her countenance, which, on the contrary, appeared to him dignified, answering correctly all the questions he made to her without inconsistencies or failure of memory, for which reason, says this witness, he was surprised when afterwards he learned that the mental capacity of Adriana Carrillo was in question.

It must be noted that the principal witness for the plaintiff and the most interested party in the case, being the plaintiff herself, was the surety of Adriana Carrillo when the latter was appointed judicial administratrix of the estate of her husband in 1917. It cannot be understood, if Adriana Carrillo was in that time mentally incapacitated, why Miguela Carrillo, the plaintiff, who knew it, consented to be a surety for her. It must likewise be noted that the other witnesses of the plaintiff, who testified to the incapacity of Adriana Carrillo, also made transactions with her precisely at the time, when according to them, she was mentally incapacitated. In view of all of this, which is proven by documents and the testimonies of witnesses completely disinterested in the case, it cannot be held that on December 9, 1918, when Adriana Carrillo signed the document, she was mentally incapacitated.

The fact that nine days after the execution of the contract, Adriana Carrillo was declared mentally incapacitated by the trial court does not prove that she was so when she executed the contract. After all, this can perfectly be explained by saying that her disease became aggravated subsequently.

Our conclusion is that prior to the execution of the document in question the usual state of Adriana Carrillo was that of being mentally capable, and consequently the burden of proof that she was mentally incapacitated at a specified time is upon him who affirms said incapacity. If no sufficient proof to this effect is presented, her capacity must be presumed.

Attention is also called to the disproportion between the price of the sale and the real value of the land sold. The evidence, however, rather shows that the price of P4,000 paid for the land, which contained an area of 33 hectares, represents its real value, for it is a little more than P100 per hectare, which is approximately the value of other lands of the same nature in the vicinity. But even supposing that there is such a disproportion, it alone is not sufficient to justify the conclusion that Adriana Carrillo was mentally incapacitated for having made the sale under such conditions. Marcos Jaojoco is a nephew of Adriana Carrillo, and Justiniano Jaojoco her brother-in-law, and both defendants, who are father and son, had Adriana Carrillo in charge, took her to the "Hospital de San Juan de Dios," and cared for her during the time she was there, and for such acts they may have won her gratitude. Under these circumstances there is nothing illegal, or even reprehensible, and much less strange in Adriana Carrillo's having taken into account those services rendered her by the defendants and reciprocated therefor by a favorable transaction. Having no ascendants and dependents, she could, in consideration of all these circumstances, have even given as a donation, or left by will, these lands to the defendants.

The judgment appealed from is affirmed with costs against the appellant. So ordered.

Araullo, C. J., Street, Malcolm, Ostrand, Johns, and Romualdez, JJ., concur.

Judgment affirmed.

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