

PAULA ROCO, PLAINTIFF AND APPELLANT, VS. ESTEFANIA VILLAR Y RIVERA, DEFENDANT AND APPELLEE.*G.R. No. 2260. January 19, 1906*

Ponente: WILLARD, J.

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Plaintiff and Juan Crisostomo Villamil were married in 1891. They lived together until 1895, when Crisostomo abandoned the plaintiff and went to live with the defendant. On the 7th of September, 1896, Crisostomo conveyed to the defendant a lot of land in Calle Novaliches, in Manila, for an expressed consideration of 600 pesos. In 1897 three other tracts of land were conveyed to the defendant by their then owners. In 1899 another tract was so conveyed by its then owner to the defendant, and in 1900 two other lots of land were conveyed by their then owners to the defendant. Crisostomo having died, the plaintiff brought this action asking that it be declared that these parcels of land belonged to the conjugal partnership formed by herself and Crisostomo on the ground that the conveyances were fraudulent as to her. Judgment was entered in the court below for the defendant Plaintiff moved for a new trial, which was denied, and she has brought this case here by bill of exceptions.

The theory of the appellant is that the lot of land which was conveyed directly by the husband to the defendant was conveyed without any consideration, and that the defendant paid nothing for such conveyance. As to the other six tracts of land, her theory is that the money which was paid therefor to the then owners thereof was paid by her husband, and nothing was contributed by the defendant to the purchase price thereof. The evidence to support this claim is found first in the testimony of the witness Lucena Baldonado. Her testimony was to the effect that she had known the defendant for some time, and that during this time the defendant was very poor, and lived by charity. It is very evident that the acquaintance between defendant and the witness was merely casual. Most of her evidence relates to the time when the defendant lived in Intramuros, where the witness resided, and it is altogether too indefinite in its character to prove that the defendant did not, in 1896 and the following years, have means with which to buy the properties in question. The only other evidence in the case to show that the money for these purchases was furnished by Crisostomo was the statement of two witnesses to the effect that they saw him directing the construction of houses which were erected upon the lots in question.

After examining all the evidence in the case we can not say that it preponderates against the decision of the trial court. The judgment of that court is affirmed, with the costs of this instance against the appellant, and after the expiration of twenty days judgment should be entered in accordance herewith and the case remanded to the court below for execution of said judgment. So ordered.

Arellano, C. J., Mapa, Johnson, and Carson, JJ., concur.

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