

THE DIRECTOR OF LANDS ET AL., PLAINTIFFS AND APPELLANTS, VS. MANUEL SANTOS ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 23716. December 11, 1925

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

On June 1, 1908, the Government of the Philippine Islands, through the Director of Lands and with the approval of the Secretary of the Interior, sold to Macario Santos lot No. 665 of the Orion friar lands for the sum of P1,244.37, payable by annual installments, the last of which ended June 30, 1927. Macario Santos died before the filing of the complaint in this case. The defendant Emiliana Rivera is his widow and the other defendants his children. The installments agreed upon were paid at the proper times until this action was commenced.

The plaintiffs are the Director of Lands and the alleged occupants of this lot who pretend to have the right to purchase it under Act No. 1120, as amended. The complaint prays that the sale made to Macario Santos be declared null and void and that the defendants be ordered to vacate the land and deliver it to the plaintiffs, and to render account of the fruits received by them. As a ground for complaint, it is alleged that in the sale of this land the requisites of Act No. 1120 have not been complied with and that Macario Santos acted fraudulently in the purchase of this land, he being, furthermore, a Government agent in charge of the sale of this land at the time that he bought it.

The lower court absolved the defendants from the complaint and from this judgment plaintiffs have appealed.

Plaintiffs alleged, and attempted to establish, that in the sale of this land, the announcements required by law before the sale were not made and that Macario Santos had misled the occupants by informing them that it was necessary to pay cash for the whole purchase price of the land and the value of the improvements. The evidence, however, shows that in general all the requisites of the law have been complied with and that the occupants of the land in question were duly informed of the conditions for its purchase. Suffice it to say in this connection that some of the plaintiffs, supposed to be in possession of this land, have acquired other lots of land east of the one here in question.

It is true, on the other hand, that Macario Santos was a friar lands agent, that the purchase was made under the allegation that the lot in question was unoccupied and that the contract was entered into before notice thereof was published, but at any rate, even supposing that these alleged causes of nullity of the sale do exist, yet they were known to the plaintiffs from the very beginning, and since thirteen years have elapsed from that time until the filing of the complaint, no matter from what point of view these causes for nullity may be considered, the action for annulment has prescribed, according to existing laws which fix at ten years the maximum period for bringing this action. (Act No. 190.)

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

Street, Malcolm, Ostrand, Johns, Romualdez, and Villa-Real, JJ., concur.

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