

EUGENIO JACINTO ET AL., PLAINTIFFS AND APPELLANTS, VS. CELERINO B. ARELLANO ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 24366. December 31, 1925

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

This is an appeal from so much of the judgment of the Court of First Instance of Manila as absolves the defendants Maria Monasterio, Anita Gardiner and Agustin Monasterio from the complaint, wherein the plaintiffs prayed for judgment against said defendants and Celerino B. Arellano, holding them to have fraudulently obtained title to lots Nos. 43 and 44, block 2913, of cadastral proceeding No. 62, record No. 302, and sentencing them to pay the plaintiffs the sum of P8,000, as the price of said lots, plus P2,000, as the value of the buildings thereon, and, in addition, the sum of P5,000 as damages, with costs.

These are the errors assigned to the judgment appealed from:

- The finding that the sale executed by Celerino B. Arellano in favor of the appellants Maria Monasterio and Ana Gardiner de Monasterio was not fraudulent.
- The finding that Maria Monasterio and Ana Gardiner de Monasterio were no parties to the fraud committed by Celerino B. Arellano.
- The finding that the appellees Maria Monasterio and Ana Gardiner de Monasterio did not know that the parcel in question belonged to the appellants.
- The finding that Maria Monasterio and Ana Gardiner de Monasterio did not fraudulently acquire said parcel of land.
- The finding that the land in question is worth only P3,090.
- The denial of the motion for new trial.

The evidence shows that Maria Monasterio and Anita Gardiner have not been parties to the fraud committed by Celerino B. Arellano, and bought the lots in question in good faith and without malice, believing, as they had reason to believe, that the true owner of said lots was Celerino B. Arellano, since he appeared as such in the records, it not having been sufficiently shown, as alleged by the plaintiffs, that Gregoria Jacinto had on a certain occasion told said purchasers that she, Gregoria Jacinto, and her brother were the owners of said lots. Good faith is always presumed until the contrary is proven, and this presumption of good faith of these purchasers was not overthrown, but stands un rebutted by the evidence.

The record does not furnish us sufficient ground for altering the finding of the trial court relative to the value of the land and the improvements thereon.

The last assignment of error is a deduction from the preceding ones.

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

Avanceña, C. J., Street, Malcolm, Ostrand, Johns, and Villa-Real, JJ., concur.

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