

MARIA JUANA S. FYFE, PLAINTIFF AND APPELLANT, VS. J. N. SIDEBOTTOM, SMITH, BELL & CO. AND SALVADOR LAGUDA, DEFENDANTS AND APPELLEES.

G. R. No. 25247. August 12, 1926

Ponente: ROMUALDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-25247/>

ROMUALDEZ, J.:

This appeal is taken from an order of the Court of First Instance of Iloilo dated October 20, 1925, the grounds and dispositive part of which are expressed in the following paragraphs thereof:

"In substance, the same facts alleged in the first and subsequent amended complaints are alleged in this last amended complaint, and consequently, the court finds that facts alleged do not constitute a cause of action following the same view adopted by this court in sustaining the first demurrer.

"Wherefore, and upon petition of counsel for the defendants, the court hereby orders the dismissal of this cause, with costs against the plaintiff."

Counsel for the appellant assigns the following errors as committed by the trial court:

"1. In finding in the order appealed from of October 20, 1925, that: 'In substance, the same facts alleged in the first and subsequent amended complaints are alleged in this last amended complaint.'

"2. In holding that the facts alleged in the last amended complaint do not constitute a cause of action.

"3. In sustaining the demurrer filed by defendants Smith, Bell & Co., Ltd., and Salvador Laguda dated September 29, 1925.

"4. In dismissing the complaint with costs against the plaintiff."

The amended complaint with which the order appealed from deals, is as follows:

"That the plaintiff Maria Juana S. Fyfe is of age and resides in the municipality of Iloilo, Province of Iloilo, through her undersigned attorney, files this complaint against J. N. Sidebottom, of age, residence unknown; Smith, Bell & Co., Ltd., a duly organized corporation engaged in business in the Philippine Islands, with its main office in the City of Manila, with a branch office at Iloilo, Iloilo; and Salvador Laguda, of age, residing in the house at No. 624 Pennsylvania Ave., Manila."

As her first cause of action, the plaintiff alleges:

"1. That she reached her majority about two years ago that is, on June 8, 1923; that she is a natural child voluntarily and expressly acknowledged in a document written and signed by her father William S. Fyfe, who died in Glasgow, England, about 1903, at which date the plaintiff was incapacitated, by reason of minority to assert her right to the property left by her aforesaid father, William S. Fyfe.

"2. That at the time of the death of William S. Fyfe, the natural father of the plaintiff, he was single, and left neither legitimate ascendants nor descendants, the plaintiff being the sole and universal heir of her said deceased father, who left an estate consisting of personal property located in the municipality of Iloilo, Province of Iloilo, of which the descriptions are as follows:

(Here follows a description of the lands described in the second paragraph of the original complaint.)

"3. That as alleged in the preceding paragraph, William S. Fyfe, died single, without legitimate ascendants or de-scendants to inherit from him, there being likewise an absence of collateral heirs entitled to succeed without will, to his property left at his death, not having left any child save the plaintiff, nor any brother or sister or cousin or nephew or niece, his parents, grand-parents or great-grandparents not having survived him, there being, therefore, no one to be affected by, or interested in, the acknowledgment made and executed in favor of the plaintiff by her deceased father.

"4. That at the time of the plaintiff's father's death, his property described in the second paragraph, was under the care and management of the defendant Smith, Bell & Co., Ltd., its co-defendant, J. N. Sidebottom, being then the manager of its Iloilo branch.

"5. That due to the death of the plaintiff's father, Smith, Bell & Co., and its co-defendant J. N. Sidebottom, as manager of said company knowing that the sole and universal heir was the herein plaintiff, who was then incapacitated to assert her rights to the above described property, said Smith, Bell & Co., through its manager of the Iloilo branch, the defendant J. N. Sidebottom, claimed to be the lawful owner of the property above described.

"6. That before, on, and after the death of William S. Fyfe, the plaintiff's predecessor in interest, the defendants Smith, Bell & Co., and J. N. Sidebottom had no legal title to the property described in this complaint, the only right the defendant Smith, Bell & Co. had being to manage said lands.

"7. That notwithstanding the lack of title of defendants Smith, Bell & Co. and J. N. Sidebottom, mentioned in the preceding paragraph, they conspired and agreed between themselves, that the latter should apply for the registration of said lands, as he did in fact apply in 1912, and that after having obtained the title to said properties, Sidebottom would convey them to the defendant Smith, Bell & Co.

"8. That in pursuance of the previous condition agreed upon by and between defendants Smith, Bell & Co., and J. N. Sidebottom as manager of that firm, to the effect that once he had obtained the title to the lands in question, as in fact he did obtain it, the latter would transfer said title to the former, said J. N. Sidebottom executed an instrument in favor of the defendant Smith, Bell & Co., transferred all the lands described in paragraph 2 of this complaint to them, for the consideration of one peso (P1).

"9. That the acts set forth in the next preceding paragraphs were committed through conspiracy between the defendants Smith, Bell & Co., and J. N. Sidebottom, with the intention of prejudicing and defrauding the plaintiff of her rights, who, as has been said, was at that time incapacitated to assert her right to claim the ownership of the lands described in this complaint, and the defendants Smith, Bell & Co. and J. N. Sidebottom took advantage of this incapacity for the exclusive benefit of the defendant firm.

"10. That the defendant Salvador Laguda had knowledge of the facts alleged in the four next preceding paragraphs having intervened in executing and carrying them into effect, said intervention consisting in the personal aid given by the same to his co-defendants in carrying out the acts stated in the preceding paragraphs, and notwithstanding said knowledge that the property described in this complaint did not belong to Smith, Bell & Co., but to the plaintiff, as heir of her deceased father William S. Fyfe, the said defendant Salvador Laguda, in collusion with his co-defendant Smith, Bell & Co., agreed that said property should be conveyed to him for a fictitious consideration,

"11. That plaintiff herein is the sole, real and true owner of the property described in paragraph 2 of this complaint, she being the sole and universal heir of her deceased father William S. Fyfe.

"12. That the herein defendants have been required by plaintiff to deliver to her the possession and ownership of the property described in the said paragraph 2, and said defendants have refused to do so."

As her second cause of action against the defendants, the plaintiff alleges:

"1. That paragraphs 1 to 11 inclusive of the first cause of action, are here reproduced as if they were literally copied.

"2. That from the year 1903 until the present date, the property described in the paragraph of the first cause of action of this complaint, has produced a net income of not less than P25,000 a year, Philippine currency.

"3. That in order to determine the amount of the products or annual rents of the aforementioned property, it would be necessary to render an account of said products or annual income.

"4. That the defendants have likewise been required to render an account of the said lands in order to determine their value, and said defendants also refused to do so.

"5. That the plaintiff not knowing positively of the death of the defendant J. N. Sidebottom she has not been able to ascertain who the latter's true heirs are, and to this end, plaintiff reserves the right to exclude the said J. N. Sidebottom from this complaint, or to include therein his heirs.

"Wherefore, the plaintiff prays this court to recognize her as the sole and universal heir of the property left by her deceased father William S. Fyfe, and thence to render judgment against the defendants upon the first cause of action, for the delivery of the possession of the property described in paragraph 2 of this complaint, or in default thereof, to pay jointly and severally the sum of P350,000 Philippine currency, which is its real value; and upon the second cause of action, to order defendants to render account of the income and products obtained by them from the lands in question from the year 1903 until the date of the rendition thereof to the court, as determined by the latter. "

The plaintiff also prays that a reservation be made of the right to exclude the defendant J. N. Sidebottom from this complaint or to include therein his legitimate heirs if he be dead, and also that the herein defendants be sentenced to pay the costs of the present action and that such other proceeding be taken as may be proper in law or in equity."

The defendants filed the following demurrer to this complaint:

"Come now the defendants Smith, Bell & Co., Ltd., and Salvador Laguda, through their undersigned attorneys and demur to the plaintiff's amended complaint dated September 22, 1925 in the above-entitled case, on the following grounds:

"1. Because the facts alleged in said amended complaint do not constitute a cause of action, since, being based upon the supposed fraud of the defendants, aside from the arguments and conclusions of law, there exists no allegation of actual fraud sufficient under section 38 of Act No. 496; that the plaintiffs claim, therefore, is merely one of ownership of the property adjudicated to the defendants and their successors in 1912.

"2. That said amended complaint contains no allegation that the deceased William S. Fyfe, at his death left no collateral heirs, when the latter also have a perfect right to succeed to the deceased's property in default of direct heirs.

"3. Because before being able to go to trial and prove the existence of fraud committed by defendants as alleged in the complaint, it is necessary that the plaintiff should establish that she has some interest, title or ownership over the property which is the subject matter of the complaint, and to accomplish this, she must prove her status as a legally acknowledged daughter, which is impossible in this case for the reason that the court has no jurisdiction to declare said acknowledgment unless the direct heirs be parties to the action, or in default of these, the collateral heirs of the deceased William S. Fyfe.

"Therefore, it is respectfully prayed that the herein complaint be dismissed with the costs against the plaintiff."vee

As to the fraud of which no allegation is made in the demurrer, we find that paragraphs 7, 8, 9, 10 and 11 of the above-quoted amended complaint contain a sufficient allegation of fraud, and in particular paragraphs 9 and 10, which we again quote:

"9. That the acts set forth in the next preceding paragraphs were committed through conspiracy between the defendants Smith, Bell & Co. and J. N. Sidebottom, with the intention of prejudicing and defrauding the plaintiff of her rights, who, as has been said, was at that time incapacitated to assert her right to claim the ownership of the lands described in this complaint, and the defendants Smith, Bell & Co. and J. N. Sidebottom took advantage of this incapacity for the exclusive benefit of the defendant firm.

"10. That the defendant Salvador Laguda had knowledge of the facts alleged in the four next preceding paragraphs having intervene in executing and carrying them into effect, said intervention consisting in the personal aid given by the same to his codefendants in carrying out the acts stated in the preceding paragraphs, and notwithstanding said knowledge that the property described in this complaint did not belong to Smith, Bell & Co. but to the plaintiff, as heir of her deceased father William S. Fyfe, the said defendant Salvador Laguda, in collusion with his codefendant Smith, Bell & Co., agreed that said property should be conveyed to him for a fictitious consideration."

If the defendants needed to be more completely and particularly informed in order to prepare their defense, they could have asked for the bill of particulars as provided in section 108 of the Code of Civil Procedure.

We believe that the allegations of fraud are sufficient to require the defendants to answer the complaint.

The second ground of the demurrer is the absence of an allegation, according to the defendants, that the deceased Fyfe left no collateral heirs at his death who are also entitled to inherit.

The third paragraph of the complaint, however, reads:

"That as alleged in the preceding paragraph, William S. Fyfe, died single, without legitimate ascendants or descendants to inherit from him, there being likewise an absence of collateral heirs entitled to succeed without will, to his property left at his death, not having left any child save the plaintiff, nor any brother or sister or cousin or nephew or niece, his parents, grandparents, or great-grandparents not having survived him, there being, therefore, no one to be affected by, or interested in, the acknowledgment made and executed in favor of the plaintiff by her deceased father."

Neither is there any merit in the third and last ground for the demurrer, which is a consequence of the preceding one. In paragraph 1 of the complaint it is alleged that the plaintiff is "a natural daughter voluntarily and expressly acknowledged in a document written and signed by her father William S. Fyfe." The sufficiency of this allegation is not questioned in the demurrer, which allegation, as it stands, may refer to any of the forms of acknowledgment provided in the law. This action does not aim to obtain, by judicial means an acknowledgment of a natural child, since such acknowledgment is alleged in the complaint as an act already consummated. The object of this action is to allege such acknowledgment already made by her father during his lifetime, and to base thereon this action brought by her through her complaint.

We find and hold that the facts alleged in the above-quoted complaint constitute a sufficient cause of action.

The order appealed from is revoked and the record is ordered remanded to the court of origin for further proceedings in accordance with the law. Without express pronouncement as to costs. So ordered.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.