

BENEDICTA SANTA JUANA, AS ADMINISTRATRIX OF THE ESTATE OF CHUA PIACO, PLAINTIFF AND APPELLANT, VS. LUCIA DEL ROSARIO, AS ADMINISTRATRIX OF THE ESTATE OF CHUA TOCO, DEFENDANT AND...*G.R. No. 26258. March 14, 1927*

Ponente: STREET, J.

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This action was instituted in the Court of First Instance of the City of Manila on February 19, 1924, by Benedicta Sta. Juana, administratrix of the estate of Chua Piaco, for the purpose of requiring Lucia del Rosario, administratrix of the estate of Chua Toco, to render an accounting in respect to the management of certain properties alleged to belong to the estate of the plaintiff's intestate and which, according to the complaint, had been confided to the care of Chua Toco, and to recover the corpus of said property from the defendant as trust property. The defendant answered with a general denial and at the same time set up special defenses, relying, among other things, upon the statute of limitations and statute of frauds. Upon hearing the cause the trial court rendered judgment in favor of the defendant and absolved her from the complaint, with costs against the plaintiff. From this Judgment the plaintiff appealed.

About the year 1880 a Chinese, named Chua Piaco, then and long afterwards a resident of the Philippine Islands, brought in from China a boy of 8 years, named Chua Toco. This youth was either a son of Chua Piaco by a Chinese wife or, as is more probable, was adopted as a son by Chua Piaco after the Chinese custom. In the years that followed Chua Piaco was engaged in accumulating a respectable property, which in the year 1898 is said to have consisted of a blacksmith shop on Urbiztondo Street, a parcel of land with improvements on Marti Street, and a large lot with a rice-mill thereon on Soler Street, all in the City of Manila. As the boy grew up and showed aptitude for business, his adoptive father associated him with himself in all his enterprises, with the consequence that in a few years Chua Toco was able to conduct the business without his father's oversight. In the year 1901 Chua Piaco went to China, where he remained until 1905. During his absence all the interests of both were looked after by Chua Toco. Upon the return of Chua Piaco the joint management of the two was resumed and continued for about a year until in 1906, when Chua Toco in turn went to China, where he remained for some five years, returning to the Philippines in 1911. In 1915 Chua Piaco again returned to China in an impaired state of health where he presently died. In the year 1922 Chua Toco also died, in Manila.

Chua Piaco had a family, consisting of a Chinese wife and children, whom he maintained in China. In the Philippine Islands he also maintained a Filipino family, consisting of his wife, Rosa Javier, and several children. Chua Toco likewise had a Chinese family and a Filipino family. Chua Toco brought his Chinese wife to the Philippines at or after his return to the Islands in 1911. This wife died in 1920; and in August, 1922, just before his death, Chua Toco was married for a second time to his Filipino wife, Lucia del Rosario, for the purpose, no doubt, of legitimating his children by her.

The plaintiff's case supposes that Chua Toco never acquired or possessed any property in his own right and that he acted merely as manager and administrator for his father. Witnesses for the plaintiff testify that in April, 1898, Chua Piaco sold his property on Marti Street, with improvements thereon, for the sum of P20,000. This money, it is claimed, was turned over to Chua Toco by Chua Piaco as a trust fund to be employed by Chua Toco in commercial ventures in the name and for the benefit of Chua Piaco and members of the family. After having been used for a time in commercial adventures, this money is supposed to have been deposited by Chua Toco in current account with the firm of Ty Cameo Sobrino, where it drew interest at the rate of 12 per centum per annum. In the year 1913 this fund had accumulated to the amount of P77,118.60, whereupon it was applied by Chua Toco in a round about way to acquire a parcel of land, containing an area of about 3,828 square meters, on Antonio Rivera Street, Manila. The greater part of this land (3,661.1 square meters) was taken by the Manila Railroad Company in the year 1918 as the result of condemnation proceedings conducted against Chua Toco, as the holder of the legal title; and, as compensation for this appropriation, the railroad paid out the amount of P119,335.18. About 20 percent of this went to the attorneys as compensation for their labor in the expropriation proceedings, and a further sum of P12,283.32 was applied to the satisfaction of a mortgage on the land in favor of the Philippine Sugar Estates Development Co., leaving a net balance of P83,384.23, which was deposited by order of the court in the Bank of the Philippine Islands. The remaining portion of the same land, consisting of 166.9 square meters, was likewise expropriated later by the City of Manila. The principal controversy in this case is over the proceeds of the property thus expropriated.

We agree with the trial court that the proof is not sufficient to justify a court of equity in declaring a trust in this fund in favor of the estate of Chua Piaco. It may be admitted that, if the trust were sufficiently proved, the statute of limitations and the statute of frauds would not constitute an insuperable obstacle to the enforcement of the trust. But the trouble is that the existence of the trust is not established. In order to establish a resulting trust by parol evidence, the proof should be fully convincing as if the act giving rise to the trust were proved by written evidence. Upon reading the proof in this case one cannot but conclude that Chua Toco got his start from means supplied by his adoptive father, Chua Piaco; and it is not improbable that, in conformity with Chinese custom, Chua Piaco may have favored Chua Toco unduly, in view of his seniority over Chua Piaco's other children, with the expectation and in the belief that Chua Toco would give necessary support to Chua Piaco's other relations. It is also true that Chua Toco at times managed property for his father; and to resolve with complete justice the conflicting claims growing out of the mixed affairs of these two Chinos over 20 or 25 years would require an investigation of the origin of all the property that they acquired, of the means used, and the application made of the proceeds. For lack of adequate data such an investigation is now impossible of accomplishment.

It appears, even from the testimony of the plaintiff's witnesses, that Chua Piaco was reticent, especially among his women dependents and collateral relatives, with respect to his business matters. The principal witnesses, testifying to the fact that the sum of P20,000 of Piaco's was delivered in 1898 to Chua Toco, are Rosa Javier, Filipino widow of Chua Piaco, and Benedicta Sta. Juana, actual plaintiff, in the character of administratrix, in this case. It is not, apparent that the testimony of the last named person relative to transactions with Chua Toco could be admissible in evidence; but waiving that point, it is quite obvious, in our opinion, that the proof submitted falls far short of proving the trust. The testimony of these and other witnesses for the plaintiff is largely made up of deductions and insecure surmises based on ancient hearsay, and perhaps now revised to meet the requirements of plaintiff's case in court. The voluminous proof, covering so wide a period of time, naturally involves many incidents and features which cannot be profitably exhibited in this opinion; but upon careful examination of the whole, we do not hesitate to say that the plaintiff's proof is hopelessly lacking in the convincing certainty that would justify the court in making a decision favorable to her. Chua Piaco left the Islands in 1915 as an invalid and his financial circumstances were then so far reduced that he was assisted by a gift of P1,000 from a generous

friend, Chua Piaco appears to have made no claim against Chua Toco in life, and no documentary evidence of any value is in existence accrediting any claim on the part of the former against the latter. Exhibits B and B-1 represent two attempts at compromise of the conflicting claims which gave rise to this lawsuit. Neither of these efforts was successful owing to the fact that Rosa Javier was not satisfied with the provision made for her. These documents contain a statement of the claims made by Rosa Javier and her daughter, but of course this does not create any estoppel against, the signatory parties.

The plaintiff seeks in this action to reach certain other properties than the fund resulting from the taking under eminent domain of the property on Antonio Rivera Street; but, as observed in the appealed decision, the proof in support of the trust with respect to these additional properties is still weaker than that submitted in support of the plaintiff's main contention.

It follows from what has been said that the judgment absolving the defendant is without error, and the same will be affirmed. So ordered, without costs in either instance.

Johnson, Malcolm, Villamor, Ostrand, Romualdez, and Villa-Real, JJ., concur.

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