

**ISIDRO BAMBALAN Y PRADO, PLAINTIFF AND APPELLANT, VS.
GERMAN MARAMBA AND GENOVEVA MUERONG, DEFENDANTS AND
APPELLANTS.***G.R. No. 27710, January 30, 1928*

Ponente: ROMUALDEZ, J.

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The defendants admit in their amended answer those paragraphs of the complaint wherein it is alleged that Isidro Bambalan y Calcutura was the owner, with Torrens title, of the land here in question and that the plaintiff is the sole and universal heir of the said deceased Isidro Bambalan y Calcutura, especially as regards the said land. This being so, the fundamental question to be resolved in this case is whether or not the plaintiff sold the land in question to the defendants.

The defendants affirm they did and as proof of such transfer present document Exhibit 1, dated July 17, 1922. The plaintiff asserts that while it is true that he signed said document, yet, he did so by intimidation made upon his mother Paula Prado by the defendant Genoveva Muerong, who threatened the former with imprisonment. While the evidence on this particular point does not decisively support the plaintiff's allegation, this document, however, is vitiated to the extent of being void as regards the said plaintiff, for the reason that the latter, at the time he signed it, was a minor, which is clearly shown by the record and it does not appear that it was his real intention to sell the land in question.

What is deduced from the record is, that his mother Paula Prado and the latter's second husband Vicente Lagera, having received a certain sum of money by way of a loan from Genoveva Muerong in 1915 which, according to Exhibit 3, was P200 and according to the testimony of Paula Prado, was P150, and Genoveva Muerong having learned later that the land within which was included that described in said Exhibit 3, had a Torrens title issued in favor of the plaintiff's father, of which the latter is the only heir and caused the plaintiff to sign a conveyance of the land.

At any rate, even supposing that the document in question, Exhibit 1, embodies all of the requisites prescribed by law for its efficacy, yet, it does not, according to the provisions of section 50 of Act No. 496, bind the land and would only be a valid contract between the parties and as evidence of authority to the register of deeds to make the proper registration, inasmuch as it is the registration that gives validity to the transfer. Therefore, the defendants, by virtue of the document Exhibit 1 alone, did not acquire any right to the property sold and much less, if it is taken into consideration that, according to the evidence in the record, the vendor Isidro Bambalan y Prado, the herein plaintiff, was a minor.

As regards this minority, the doctrine laid down in the case of Mercado and Mercado vs. Espiritu (37 Phil., 215), wherein the minor was held to be estopped from contesting the contract executed by him pretending to be of age, is not applicable herein. In the case now before us the plaintiff did not pretend to be of age; his minority was well known to the purchaser, the defendant, who was the one who purchased the plaintiff's first cedula to be used in the

acknowledgment of the document.

In regard to the amount of money that the defendants allege to have given the plaintiff and her son in 1922 as the price of the land, the preponderance of evidence shows that no amount was given by the defendants to the alleged vendors in said year, but that the sum of P663.40, which appears in the document Exhibit 1, is arrived at, approximately, by taking the P150 received by Paula Prado and her husband in 1915 and adding thereto interest at the rate of 50 per cent per annum, then agreed upon, or P75 a year for seven years up to July 31, 1922, the date of Exhibit 1.

The damages claimed by the plaintiff have not been sufficiently proven, because the witness Paula Prado was the only one who testified thereto, whose testimony was contradicted by that of the defendant Genoveva Muerong who, moreover, asserts that she possesses about half of the land in question. There are, therefore, not sufficient data in the record to award the damages claimed by the plaintiff.

In view of the foregoing, the dispositive part of the decision appealed from is hereby affirmed, without any express finding as to the costs in this instance. So ordered.

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

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