

PAULINA GARCIA, PLAINTIFF AND APPELLEE, VS. ROBERTO SAÑGIL, ALEJANDRO SAÑGIL AND SIXTO JOAQUIN, DEFENDANTS AND APPELLANTS.*G.R. No. 29593. December 29, 1928*

Ponente: OSTRAND, J.

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It appears from the record that until June 13, 1923, Alejandro and Roberto Sañgil and one Jose Flores were the owners of a rice mill, the latter having invested P4,500 in the mill and each of the others having contributed P10,500. On the date mentioned, Alejandro Sañgil executed a deed of donation, absolute and irrevocable, of his share in the rice mill in favor of the plaintiff. Subsequent thereto, but on the same day, Alejandro and the plaintiff were married. The marriage did not prove a success, and in January, 1925, the spouses separated. Roberto Sañgil was then the manager of the rice mill, and the plaintiff made demand upon him for her share of the profits of the business, but Roberto refused to comply with her demand, and the plaintiff thereupon brought the present action for the dissolution of the partnership and for an accounting of its profits from June 13, 1923. At the same time she brought another action against Alejandro Sañgil for a maintenance allowance, and by an order issued on March 30, 1925, Alejandro was ordered to pay her P30 a month for her maintenance pendente lite. On August 20, 1925, the defendant Sixto Joaquin brought an action against Alejandro Sañgil on a promissory note for P15,000, and six days later Alejandro filed an answer, which in effect amounted to a confession of judgment, and consequently the Court of First Instance rendered such judgment upon the pleadings. Execution was thereupon levied on the property of Alejandro Sañgil as well as on the share of the herein plaintiff in the rice mill, and at the execution sale the property levied upon was bid in by Joaquin.

Upon trial of the present case the court below rendered judgment in favor of the plaintiff and held that by virtue of the donation made on June 13, 1923, she was the absolute and exclusive owner of the share in the rice mill mentioned in the donation and that she was entitled to the dividends and profits of said share from the date of the filing of the complaint; that the said share was paraphernal property of the plaintiff; and that the sale of the aforesaid share, under the execution levied in the action brought by Sixto Joaquin, was null and void. It was therefore ordered that the defendant Roberto Sañgil, as manager of the rice mill, should within the period of fifteen days after the decision became final, present the accounts of the profits and losses resulting from the operation of the rice mill subsequent to January 31, 1925, in which account the dividends and profits delivered to Alejandro Sañgil and Sixto Joaquin from said date should be specified for the purpose of determining the sums due the plaintiff. The court further ordered Alejandro Sañgil to pay the costs of the action. From this judgment all of the defendants appealed.

The appellants' principal contention is that the donation above-mentioned was made during the marriage of the spouses and that it therefore is null and void under article 1334 of the Civil Code. The deed of donation has not been forwarded to this court, and, in determining the question, we must therefore rely on the findings of the court below upon that point. In its decision the court says:

"As a question of fact, the court finds that a preponderance of the evidence shows that the deed of donation was executed moments before the celebration of the civil marriage on June 13, 1923. In said document, Alejandro Sañgil states that he is a widower, and it also appears therein that Paulina Garcia is unmarried and 22 years of age; that Alejandro Sañgil was a shareholder in the rice mill in question to the extent of P10,500; and that Paulina Garcia, having agreed to accept Alejandro Sañgil as husband, that is to say, by reason of the union agreed upon, the said Alejandro Sañgil made donation absolute and irrevocable to his future wife of all the rights, shares, interest, and utility in the rice mill in question."

Upon the facts so found, it is clear that the donation was executed before the marriage and that therefore article 1334 of the Civil Code is not applicable to the case. As a donation by reason of marriage, it is governed by the provisions of articles 1327-1333 of said Code. Article 1393 cited by the appellant has, as far as we can see, no bearing upon the question; that article relates to conjugal property and does not prohibit donations by reason of marriage. The other contentions of the appellants deserve no discussion.

The appealed judgment is affirmed with the costs against the appellants jointly and severally. So ordered.

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

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