

MANUEL ALEJANDRINO, APPLICANT AND APPELLEE, VS. ERIBERTO REYES, AS ADMINISTRATOR OF THE ESTATE OF THE DECEASED GREGORIA PAÑGAN, OPPOSITOR AND APPELLANT.*G.R. No. 29663, December 29, 1928*

Ponente: OSTRAND, J.

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Manuel Alejandrino applied for the registration of four parcels of land referred to as lots Nos. 1, 2, 3, and 4 of the plans attached to the application. Among others, Eriberto Reyes, as special administrator of the estate of the deceased Gregoria Pañgan, opposed the registration of the parcels.

Upon trial the Court of First Instance ordered the registration of lots Nos. 1, 3, and 4 and denied the registration of lot No. 2. From this decision the oppositor, Eriberto Reyes, appealed to this court.

It appears from the record that the three lots in question were originally the paraphernal property of the deceased Gregoria Pañgan, and that she, on March 11, 1922, executed a deed of sale with the right to repurchase for said lots in favor of Alejandrino. Upon the expiration of the term for the repurchase, Alejandrino desired to consolidate the title to the land, and to that effect, Gregoria Pañgan, accompanied by her husband, Vicente Cabigting, executed a deed of title in fee simple in favor of Alejandrino for the three lots. The appellant bases his appeal on the ground that the deed of November 14, 1923, is fictitious and that the vendor's signature to the same is not authentic. We cannot find the slightest indication that such is the case. Gregoria Pañgan's signature on the deed of the sale with right to repurchase of March 11, 1922, is admittedly authentic, and a comparison between that signature and that in the document in question convinces us that the vendor's signature in the two documents were written by the same person.

The appellant also raises the point that Gregoria Pañgan was a married woman and that she, in executing the deed, did not have a proper license from her husband to sell the property in question. The answer to this assertion is that no special form is required for such license, and that it appears that in executing the document in question, Gregoria Pañgan was accompanied by her husband and that he also signed the document. That, in our opinion, is a sufficient license.

At the trial of the case, the appellant presented two documents, Exhibits 4 and 5, for the purpose of comparing the alleged signatures of Gregoria Pañgan in these documents with that in the deed in question. The court below declined to admit the exhibits in evidence on the ground that they were private documents and that the authenticity of the signatures therein had not been proven. The appellant's contention that this ruling was erroneous is untenable; the court had a perfect right to insist on proof of the authenticity of the documents before receiving them in evidence,

We are unable to find any reversible error in the decision appealed from, and the same is therefore affirmed with the costs against the appellant So ordered.

Avanceña, C. J., Johnson, Malcolm, Villamor, Johns, and Romualdez, JJ., concur.

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