

ESPERANZA BAELO, PLAINTIFF AND APPELLANT, VS. CEFERINO VILLANUEVA AND ANASTACIO VILLANUEVA, DEFENDANTS AND APPELLEES.*G.R. No. 30873. January 13, 1930*

Ponente: AVANCEÑA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-30873/>**AVANCEÑA, C.J.:**

The land described in the complaint belongs to the conjugal partnership of Juan Cruz Sanchez and Esperanza Baello. On March 16, 1925, Juan Cruz Sanchez donated all of this land to the defendants, who are the grandchildren of a brother of his. Juan Cruz Sanchez died later on, and special proceedings for the settlement of his estate were instituted which are still pending, and in which the liquidation of the conjugal property has not yet been made.

The plaintiff Esperanza Baello brought this action to set aside the gift of one-half of the land donated. The judgment appealed from dismissed the complaint.

The Civil Code specifies the cases in which the husband may donate property belonging to the legal conjugal partnership. This specification is an implied prohibition of such donations in other cases. The gift in question, made by Juan Cruz Sanchez to the defendants, does not come within any of the cases permitted by law. It is therefore contrary to law.

According to article 1413 of the Civil Code, any transfer or agreement upon conjugal property made by the husband in contravention of its provisions, shall not prejudice his wife or her heirs. As the conjugal property belongs equally to husband and wife, the donation of this property made by the husband prejudices the wife in so far as it includes a part or the whole of the wife's half, and is to that extent invalid. Hence article 1419, in providing for the liquidation of the conjugal partnership, directs that all illegal donations made by the husband be charged against his estate and deducted from his capital. But it is only then, when the conjugal partnership is in the process of liquidation, that it can be discovered whether or not an illegal donation made by the husband prejudices the wife. And inasmuch as these gifts are only to be held invalid in so far as they prejudice the wife, their nullity cannot be decided until after the liquidation of the conjugal partnership and it is found that they encroach upon the wife's portion.

The court below, upon these same grounds, held that the donation in question is illegal, but in view of the fact that the action for nullity was prematurely brought, as the liquidation of the conjugal partnership had not been made, dismissed the complaint. We hold this conclusion of the court to be correct.

But the appellant prays that in any event, some remedy be granted to safeguard her right should it appear from the liquidation of the conjugal partnership that this donation made by Juan Cruz Sanchez is prejudicial to her half of the property donated in whole or in part. It is contended that the donees may alienate the property to third persons, who, shielded by good faith, might render the plaintiff's right to ask for the nullity, of the donation, if prejudicial, virtually ineffective.

This petition is reasonable. Upon the supposition set forth by the attorneys for the appellant, her right to ask for the nullity of the donation would indeed become illusory, and she is, for this reason, entitled to some protection ensuring her exercise of this right later on. For this purpose, we consider that the best protection for the plaintiff would be to record in the register and in the title of the defendant donees this condition of their estate. In this way, whoever acquires from them the property donated will not be able to allege ignorance that they acquired a right subject to the plaintiff's contingent right to ask for the nullity of the donation, should it be prejudicial to her in any way.

Wherefore, it is held that the donation of the land in question made by Juan Cruz Sanchez in favor of the defendants is illegal and subject to nullification, according to the result of the liquidation of the conjugal property of the spouses Juan Cruz Sanchez and the plaintiff, and it is ordered that this condition be noted in the defendants' title. Without special pronouncement of costs. So ordered.

Johnson, Street, Malcolm, 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.