

**CORNELIUS H. W. KERHOVEN ET AL., APPLICANTS. MARIANO R. FLORES, PETITIONER AND APPELLANT, VS. MANUEL Q. FAUSTINO, RESPONDENT AND APPELLEE.***G. R. No. 32805. January 29, 1931*

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-32805/>**OSTRAND, J.:**

This is an appeal from a decision of the Court of First Instance of Bataan in which that court denied a motion presented in the Land Registration Record No. 9340, to compel the appellee, Manuel Q. Faustino, to deliver a transfer certificate of registration to the register of deeds of Bataan for the purpose of cancelling said certificate and for the issuance of a new transfer certificate in favor of the herein appellant, Mariano R. Flores.

The land described in the certificate in question was originally the property of one Esteban A. Cortes. On or about May 23, 1925, Esteban sold the land to his father, Eutiquiano Cortes, and transfer certificate of title No. 699 was issued to Eutiquiano on the same day. Four days later Mariano Flores brought an action against Esteban for the recovery of a small sum of money and judgment was rendered in his favor. A writ of execution was there upon issued by the court against Esteban Cortes on December 4, 1926. The land in question was levied upon in accordance with the writ and on February 24, 1927, the sheriff sold it at public auction to Mariano Flores for the sum of P600 with recognition of a mortgage in favor of his brother-in-law Eusebio Buenviaje to the amount of P25,000. A certificate of sale was executed by the sheriff on March 1, 1927, which certificate of sale was on the same day presented to the register of deeds who on the following day recorded the certificate in the Day Book, but apparently no effort was made to have the certificate noted on the owner's certificate No. 699 which was in the name of Eutiquiano Cortes. A few months later Eutiquiano sold the land, to Jose Ma. Valero and transfer certificate No. 699 was cancelled and a new one, No. 899, was issued to Valero. Finally on August 10th of the same year, Valero sold the land to Manuel Q. Faustino and transfer certificate No. 925 was issued in the latter's favor.

Upon the expiration of the period for the redemption of the sale to Mariano R. Flores, the sheriff executed a deed of conveyance of the aforesaid land to Flores but upon presentation of the deed to the register of deeds, it could not, as might be expected, be registered without delivery of transfer certificate No. 925.

In the meantime Eutiquiano Cortes brought an action against Valero for the recovery of the sum of P7,500, the balance of the purchase money paid by Valero for the land, and Buenviaje came in as intervenor, claiming to have a direct interest in the property and asserting that the sales to Eutiquiano and Jose Ma. Valero were simulated and made in bad faith. The intervenor Buenviaje therefore prayed that the sales be annulled.

The evidence was taken by the Court of First Instance and at the conclusion of the hearing the trial judge found that from whatever point of view the sale of Eutiquiano Cortes in favor of Jose Ma. Valero be considered, it could not be declared simulated or fictitious. Accordingly, his honor refused to annul and upon appeal to this court the judgment of the Court of First Instance was affirmed.[1]

The decision of the Supreme Court in the Buenviaje case was promulgated March 6, 1929, and not until then did Mariano Flores endeavor to obtain his certificate of title or transfer certificate for the land purchased on February 24, 1927, and this action was brought before the courts on July 8, 1929, in the form of a motion. Upon consideration the Court of First Instance held, in substance, that the aforesaid sales were valid and refused to order Manuel Q. Faustino to deliver his transfer certificate of title No. 925 to the register of deeds for cancellation. Flores thereupon appealed to this court.

In his first assignment of error, the appellant relies on the fact that Esteban Cortes sold his land to his father, Eutiquiano, four days before Flores brought action against Esteban and that therefore the sale should be regarded as fraudulent. In that respect we think the appellant is mistaken. It is, of course, not impossible that the sale was fraudulent, but there is no direct evidence to that effect and the mere fact that the sale was made, is not sufficient to annul the transaction; it may well be that Esteban was in debt to his father, Eutiquiano, and that the sale was made in satisfaction of such debt. That is not necessarily fraud.

The other assignments of error are without merit and need not be discussed, but we may call attention to the fact that there can be no doubt whatever that the purchases made by Valero and Faustino were made in good faith and, if so, the transfer certificate held by Faustino is valid and cannot be cancelled through the motion presented by Flores.

The judgment of the court below is affirmed with the costs against the appellant. So ordered.

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

---

[1] Cortes w. Valero, G. R. No. 29791, promulgated March 6, 1929, not reported.

**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.