

**BONIFACIO MENDOZA ET AL., PLAINTIFFS AND APPELLANTS, VS.
FRANCISCO NABONG ET AL., DEFENDANTS AND APPELLEES.***G.R. No. 3355. January 22, 1908*

Ponente: WILLARD, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3355/>**WILLARD, J.:**

The plaintiffs, the heirs of Simplicia Crespo, brought this action in the Court of First Instance of the Province of Bulacan to recover certain land situated therein. Judgment was rendered in the court below in favor of the defendants and from that judgment the plaintiffs appealed. Since the appeal, the plaintiffs, Justo Mendoza y Crespo and Ruperta Mendoza y Crespo, have died, and by an order of this court Doña Constanacia Salinas as administratrix of Justo Mendoza y Crespo and as administratrix of Ruperta Mendoza y Crespo, was duly substituted as a plaintiff herein.

The defendants introduced in the court below a large amount of documentary evidence and also produced various witnesses. The judgment of that court, however, was based, not upon this evidence thus produced by the defendants but upon the fact that the plaintiffs had not shown any title to or interest in the land in question and that the defendants, being in possession, the plaintiffs could not, therefore, recover. In the view we have taken of the case, it is necessary to consider only the evidence offered by the plaintiffs.

First, as to the documentary evidence, it is said in the assignment of errors that the court erred in rejecting documentary evidence presented by the plaintiffs. We do not find in the record any such ruling; in fact, as we understand the case, all of the papers presented by the plaintiffs were admitted by the judge. In any event, we have considered all the documents which the record contains thus presented and they do not, with one exception, show that the plaintiffs ever had any interest in any of the land described or attempted to be described in the complaint and amended complaint. Of the fourteen documents thus presented, all but one relate to or grow out of a certain summary action for the recovery of money (*juicio ejecutivo*) commenced in 1888 by Saturnino Espejo against Simplicia Crespo. This action, being for the recovery of money, had nothing to do with the land in question, but when the plaintiff in that action desired to seize property for the purpose of satisfying his debt, the attachment was levied upon certain land as the property of Simplicia Crespo, which land the plaintiffs claim is the land involved in this action. The levy thus made was at the indication of Bonifacio Mendoza, one of the present plaintiffs. We do not see how the fact that in the action of Saturnino Espejo against Simplicia Crespo, Bonifacio Mendoza, son of Simplicia Crespo, indicated that the land in question belonged to his mother, and the additional fact that for that reason an attachment was levied upon the same, is any proof that the land was in fact her property. No document whatever was produced by the plaintiffs showing any grant of this or any other land to them or to their mother, and their whole claim, so far as the documentary evidence is concerned, rests entirely upon the proceedings taken in this action of Espejo against their mother.

When the attachment was levied, Lino Reyes, the principal defendant in this case, claiming to own fourteen parcels of the land thus seized, brought three summary proceedings to recover the possession thereof, in all of which he was successful. Notwithstanding- this fact, he was compelled to intervene in the principal action in

which the attachment was levied which was pending in the Court of Intramuros in the city of Manila and to carry on litigation against Saturnino Kwpejo and Simplicia Crespo to vindicate his rights to the property. In this litigation he was successful and a final judgment was entered declaring that he was entitled to the property mentioned in his claim of intervention.

Simplicia Crespo paid her debt to Saturnino Espejo and the action commenced by the latter was dismissed on July 1, 1893. Upon such dismissal, an order was made directing the discharge of the attachment and ordering the property attached to be returned to Simplicia Crespo. This order was made in a proceeding to which no one of the present defendants was a party. We find no documentary evidence in the case, however, to show that this order was ever carried into effect, or that the plaintiffs were ever put into possession of any of the property thus attached. In fact, Lino Reyes at that time had a final judgment to the effect that he was entitled to the possession of 14 parcels of land. In their brief in this court the appellants apparently do not claim that possession was ever given to them by virtue of this order. They say that apparently as a result of one of these old actions the possession of the property was in fact returned to the plaintiffs in the month of April, 1896. This was by virtue of another order to which we shall refer later.

On the 8th of February, 1895, Bonifacio Mendoza presented a motion in the intervention proceeding of Lino Reyes in which he alleged that more land had been delivered to Lino Reyes than he was entitled to by virtue of his judgment; and that he had been put in possession of certain lands in the sitio of Socol, which sitio was not mentioned in the final judgment, and he asked that the proceeding relating to the execution of that judgment be declared void. Lino Reyes, in the proceeding that followed, alleged, and as we think proved, that the property in Socol was in fact included in his complaint of intervention and in the subsequent sequent proceedings, but that by a clerical error this particular place was omitted in the final judgment. Judgment was rendered in this last proceeding instituted by Bonifacio Mendoza in his favor. From the judgment Lino Reyes appealed to the audiencia and while the case was pending therein the parties settled it by a public document which was signed on the 24th day of March, 1896. This is the only document which in any way indicates that the plaintiffs were the owners of any property in the places mentioned in the complaint. It was signed by Bonifacio Mendoza for himself and for his brothers and sisters, except Ruperta, and it was signed by Lino Reyes. After reciting the proceedings taken in the various suits, the parties finally agree that Lino Reyes is the owner of several tracts of land in Socol and that he is entitled to the possession thereof. These tracts of land amount to more than 11 *quiniones*. It is also agreed by Lino Reyes that the other property in Socol belongs to the plaintiffs.

There are several defendants in this case, none of whom claims title under Lino Reyes. This document, therefore, is not proof against any of them and is only proof against Lino Reyes, being an admission on his part of the ownership by the plaintiffs of certain lands. But even as far as Lino Reyes is concerned, this admission can not help the plaintiffs because by the very terms of this document they admitted that he was the-owner of more than 11 *quiniones* of land. Their evidence shows that all of the land, of which they now claim he is in the wrongful possession in this same place, amounts to about 14 *quiniones*. It is very evident to our minds that the land of which he now is in possession in this place is the same land which the plaintiffs admitted to be his in the settlement of 1896. This document, therefore, does not in any way help the plaintiffs.

After the settlement made between the plaintiffs and Lino Reyes, as before stated, the former instituted a proceeding of voluntary jurisdiction in the Court of First Instance of Intramuros to secure the judicial possession and the survey of the land claimed by them in Hagonoy in accordance with the provisions of Titles XIII and XIV of Book III, being articles 2015 to 2029 of the Law of Civil Procedure then in force. In the proceedings taken upon the land on the 27th day of April, 1890, for the purpose of surveying it and giving possession, Angelina del Rosario, Victor Sebastian, a defendant, Juan Floras, another defendant, and (Graciano Reyes, in representation of

Lino Reyes, appeared and opposed the survey and the judicial possession. According to the minutes made of the proceeding, the land then under consideration included about 98 hectares, or 35 quiñones. On the 7th day of May, 1896, Juan Flores and Victor Sebastian presented to the Court of First Instance of Intramuros a written objection to further action in this proceeding of voluntary jurisdiction and asked, in accordance with the provisions of article 1800 of the said Law of Civil Procedure that the proceeding be made contentious. The clerk reported to the court that no return had been made by the officials of Bulacan showing what had been done by virtue of the previous order made in the proceeding.

The filing of this opposition by Juan Flores and Victor Sebastian terminated the proceedings and what had before been done therein produced no legal effect. It is suggested that in view of the fact that the opposition of Juan Flores and Victor Sebastian related to only a part of the land in controversy, it did not have the effect of terminating the whole proceeding, but article 2020 provides that when an objection is made which relates to a part of the land in controversy, the proceeding can be continued as to the rest of it if the person who has commenced it so desires, and the other adjoining owners do not object. In this case there is no evidence whatever that Bonifacio Mendoza ever requested that the proceeding continue and no evidence that it ever was continued. The plaintiffs, therefore, acquired no rights by this proceeding of voluntary jurisdiction.

This is in substance all the documentary evidence that was presented and we have seen that it furnishes no proof of ownership or of any interest whatever on the part of the plaintiffs in the land in controversy.

It remains to inquire whether the parol evidence offered showed any such title or interest. If such evidence showed that the plaintiffs had been in actual and physical possession of the land for some time, it would be necessary, under the ruling in the case of the Bishop of Cebu vs. Mangaron (6 Phil. Rep., 286), to examine the evidence offered by the defendants, but we think that the evidence does not show any such possession. As to the formal possession given in 1896 in the proceedings of voluntary jurisdiction, it was, so far as the evidence in this case shows, merely momentary. Not only is there no evidence in the case to show that the plaintiffs remained in the actual possession of the property, but their own evidence shows to the contrary. Ruperta Mendoza, one of the plaintiffs, testified that they were in possession only one year after the death of their mother. Gregorio Mendoza, another plaintiff, testified that the plaintiffs were in possession only two years, without specifying the time when they were in such possession. The mother of the plaintiffs, Simplicia Crespo, died on the 6th of February, 1892.

It is true that the plaintiffs testified that their mother had been in possession for one or two years of some land in this locality, but there is an entire failure to identify the particular tract of land of which they had been so in possession. They said that it was the land in controversy. The original complaint in this action claimed title to a tract of land of about 40 quiñones. This was presented in June, 1902. An amended complaint was presented in September, 1902, in which title was claimed to a tract of land containing about 100 quiñones. It is stated in one of the briefs presented by the appellees that no one of the plaintiffs had any exact idea of the land claimed by them and this statement is not entirely unsupported by the record. Their own evidence showed that 14 quiñones claimed by them did not, in fact, belong to them. Whether the land which they say their mother occupied for a year before her death and which they say they occupied for a year after her death was this land, which in fact belonged to Lino Reyes, nowhere appears.

The evidence presented by the plaintiffs is so vague, much of it answers to leading questions, and so unsatisfactory both as to the time and the exact land possessed by them, that to our minds it is wholly insufficient to prove such a possession as would warrant the maintenance of this action.

The judgment of the court below is affirmed, with the costs of this instance against the appellants. So ordered.

Arellano, C. J., Torres, Johnson, and Tracey, JJ., concur.

Mapa and Carson, JJ., dissent.

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.