

MANUEL CASTRO ET AL., PLAINTIFFS AND APPELLANTS, VS. JOSK CASTRO, DEFENDANT AND APPELLANT.*G. R. No. 36199. December 10, 1932*

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36199/>**STREET, J.:**

This case was instituted in the Court of First Instance of the Province of Nueva Ecija by the brothers and sisters Manuel Castro, Pedro Castro, Maria Castro, and Consolation Castro, with whom are joined, under representation of a proper guardian ad litem, the four minors Maximiana, Aurea, Catalina, and Ceferino, also of the surname of Castro, children of Vicente Castro, deceased brother of the four plaintiffs first named. The plaintiff Maria Castro is assisted by her husband, Vicente Garcia, and Consolacion Castro by her husband, Ricardo Nilo. The defendant is Jose Castro, or Jose de Castro, elder brother of the four plaintiffs' first above named and Uncle of the four minors mentioned. The purpose of the action is to obtain a decree to the effect that the four adult plaintiffs and the four minors, children of Vicente Castro, are each owners of an undivided one-sixth interest in a parcel of land located in the sitios of Ablang, Saguingan, and Pinamunghian, barrio of San Juan, municipality of Lieab, Province of Nueva Ecija, having an area of 418 hectares, 76 ares, and 72 centares, covered by Torrens certificate of title No. 1515 issued in the name of the defendant, Jose de Castro. The complaint also asks for an order for the partition of said land among the plaintiffs and defendant, as well as to recover from the defendant the respective shares of the plaintiffs in the produce of said land from the year 1909 till the filing of the complaint, or the value of the same in money.

Upon hearing the cause the trial court entered judgment declaring that the four adult plaintiffs, and the four minors in representation of their deceased father, Vicente Castro, were each entitled to 139,489 square meters of the land in question and entered a decree requiring the defendant to execute in favor of the plaintiffs appropriate deeds, proper for inscription in the registry of property, conveying to each plaintiff in interest the amount of land stated. His Honor also ordered the defendant to deliver to each of the four adult plaintiffs and to the minor Tieirs of Vicente Castro his or her appropriate share in the produce of the land for a number of years prior to the filing of the complaint. This interest the court estimated at 287 cavans of palay, with a value of P861, for each share. Finally his Honor ordered that the defendant should effect the corresponding operations of subdivision for the purpose of segregation and delivery to each of the parties plaintiff his or her appropriate share in the land. At the same time the plaintiffs were absolved from a cross-complaint filed by the defendant seeking to recover damages for unjust vexation. From this judgment both the plaintiffs and the defendant appealed. The appeal of the plaintiffs is directed to the supposed inadequacy of the portions awarded by the court to each of the plaintiffs in both the land and the produce received from it, while the defendant appeals from the action of the court in awarding to the plaintiffs any part of either the land or its produce. No contention is raised by the defendant with respect to the dismissal of his cross-complaint.

The land which is the principal subject of this action is located in the sitios of Ablang, Saguingan, and Pinamunghian, of the barrio of San Juan, in the municipality of Licab, Province of Nueva Ecija, and consists of

nearly 419 hectares. It formerly belonged to Mariano Tinio, who died in the year 1888. He was survived by his widow, Silveria Bondoe, and her three children, Maximiana, Manuel and Catalina, as well as by three children of an earlier marriage, namely, Casimiro, Esperanza and Agaton. All six of these children are now dead, but Agaton left four children, now adults, namely, Pascual, Eligio, Juana, and Irene. The child of Mariano Tinio with whom we are here more particularly concerned is Maximiana, who married Valentin Castro. To this pair were born six children, the oldest of whom is Jose Castro, the defendant in this lawsuit. The five younger children were Vicente, Manuel, Consolacion, Maria and Pedro. Vicente is now dead but was survived by his four minor children, Maximiana, Aurea, Catalina, and Ceferino.

Maximiana Tinio died in August, 1909. At that time the defendant Jose Castro was the only one of her children who was of age, he having been born about the year 1886. The other children of Maximiana Tinio were then all minors, the youngest having been born in the year 1907. Valentin Castro, relict husband of Maximiana Tinio, married Damiana Bernabe before a great while as his second wife. Valentin appears not to have been a vigorous man. But the oldest son, Jose, had received some education and he soon proved himself alert and competent in farming operations.

Mariano Tinio, the grandfather and great grandfather of the plaintiffs, left considerable property to be shared by his widow, Silveria Bondoc, and his children by the two marriages above-mentioned. The proof shows that, though no formal partition was made, his heirs divided the property, a suitable portion being assigned to each. The land which is the subject of this action appears to have been assigned to Maximiana, and we so find, although the question whether it did in fact go to her by extra judicial partition is the major disputed point in the case. Our reasons for finding that this land was thus assigned to Maximiana as a part of her portion of her father's estate will be more fully stated later. Suffice it here to say that there is proof to show that Maximiana exercised possession over this property and reduced part of it to a state of cultivation.

This land lies low and in its former natural state was under water for a good part of the year. In the life of Mariano Tinio part of it had been reduced to cultivation, and the prospects for the fruitful development of the property were then good. But as a result possibly of the destructive ravages of rinderpest in this section of the country in the eighties, followed in the nineties by the revolution against Spain and the later insurrection against the sovereignty of the United States, the property appears to have reverted to a wild state and came to be covered almost entirely by such growth as is commonly found in low ground.

Three or four years after civil order had been restored Maximiana Tinio began bringing portions of the property back into a state of cultivation. In this she was aided by her son, Jose Castro, while he was still a member of his parent's family. After his mother's death in 1909, Jose, as the oldest child and only competent manager among the heirs, assumed the administration of this land., We believe that, in so doing, Jose Castro acted as representative of all of the children. However, he now claims that he had taken possession of this property in his own right, prior to his mother's death, by virtue of an assignment of the property made to him. by his mother, acting in concert with her brothers and sisters.

On July 28, 1912, Jose Castro applied, in the Court of Land Registration, for the registration of this land in his name, alleging that he had acquired it by inheritance, as sole heir of his deceased mother. In this petition there was a suppression of the fact that he then had five younger brothers and sisters, all of whom were then minors, and who, supposing the property to have been inherited from the mother, would have been equally interested with himself.

This proceeding, after various vicissitudes, was finally decided in favor of the petitioner, Jose Castro, but upon an appeal the decision was reversed and the petition dismissed by the Supreme Court on a technical ground not

involving the merits of the petitioner's claim (*De Castro vs. Director of Lands*, 31 Phil, 461).

In October of the year 1919, the same petitioner began a second proceeding in the Court of First Instance of Nueva Ecija to register the same land in his sole name. In the petition filed in this proceeding the petitioner alleged that he had acquired the land by inheritance from his mother, Maximiana Tinio. In this he again suppressed the fact that he then had five younger brothers and sisters, who, supposing the property to have been inherited from the mother, would have been equally interested with himself. When this proceeding came on for hearing the petitioner did not testify as a witness, though he was present in court when the case was heard. Upon this occasion only two witnesses appear to have been presented in his behalf. One of these was the petitioner's uncle, Manuel Tinio, at one time Director of Lands. This witness there testified that this land had belonged to his sister, Maximiana Tinio, in life, as owner, having come to her through extrajudicial partition, that she had received it by inheritance, and had been in possession after 1898, and finally that Jose de Castro had acquired the property as her heir. The witness was not asked whether there were other heirs of Maximiana Tinio in addition to Jose Castro, but the court drew the legitimate inference that Jose Castro was the sole heir. The court therefore adjudicated the property to Jose Castro by virtue of this proof of continued possession and heirship.

All of the brothers and sisters of Maximiana, as well as she herself, are now dead, but Clemente Hernandez, relict husband of Catalina Tinio, was introduced as a witness in court and he testified to the fact that he heard a conversation between Manuel Tinio and Jose Castro, in the course of which the latter informed his uncle that the petition for registration of the land in Jose's name had been denied, whereupon Manuel Tinio told him that he ought to make application for the registration of the land in "your name and the names of your brothers and sisters". Jose de Castro then said that, although the property should be registered in his (Jose's) name, the interests of his brothers and sisters would not be prejudiced. Manuel Tinio assented to this and told Jose to come to his office at the Bureau of Lands for the execution of the document desired by Jose Castro.

Our interpretation of this and other evidence bearing upon the point is that, although Jose Castro really desired to get the property registered in his own name, the explanation which he gave to his uncles and aunts was that he was acting in a representative capacity for all of his brothers and sisters, as well as himself, and that registration in his own name was desirable in order to prevent the expense of the appointment of a guardian to represent the other minor children if they should be brought into the proceedings. Accordingly his uncle, Manuel, who knew very well that he himself and his own brothers and sisters had no real interest in the property but that the brothers and sisters of Jose Castro did have an interest therein, assented to the scheme and thereafter aided the defendant in obtaining the registration of the property, in the belief that Jose was acting for all the heirs.

This brings us to the point where it is desirable to state more exactly the contention of the defendant. He says that on Christmas day in 1907 a family gathering was held at the Tinio home in Licab and that in the course of the conference his uncle Manuel told them all that, inasmuch as the land in the sitio of Ablang had not been declared for taxation by anyone, there was danger that in time the property would become public land. It was thereupon suggested that Jose should take possession of the property and assume liability for the taxes. To this all present assented; and Jose's mother said that she also transferred her share to Jose. As a result of this informal conference Jose took possession and began the gradual labor of reducing the property to a state of cultivation. Also, in the year 1908, he declared the property for taxation in his own name.

It is important to note that, in the first proceeding started by Jose Castro to register the land, he himself testified as a witness in his own behalf, and in the course of his testimony he claimed that the land had originally belonged to his grandfather, Mariano Tinio, who had died more than twenty-five years previously; that after the death of Mariano this land passed to the possession of the widow and children of Mariano Tinio; and, finally, that these heirs, including his mother, Maximiana, and the children of Agaton, then already dead, ceded the property to him

(Jose Castro). Being asked further about this transfer, the witness said that there was a writing but he had left it in Licab. As a matter of fact there was no such document; and when the petition for registration was presently denied for lack of proof of the transfer, the petitioner set about curing the trouble by getting all of his living uncles and aunts, in conjunction with the four adult children of Agaton, to execute gratuitously quitclaim deeds transferring to Jose Castro the several undivided interests supposed to be vested in them as heirs of Mariano Tinio. These documents (Exhibits 3, 4 and 5) were made the basis of a successful motion for the reinstatement of the proceeding; and it was in reliance upon them that the Court of Land Registration decreed the land to Jose Castro, though, as already stated, the petition was finally thrown out in the Supreme Court.

There is a consistency then in the attitude of the defendant in this, that when he testified as a witness for himself in his first registration proceeding, and when he testified in this case, he claimed that he had acquired an undivided four-fifths interest in the property by the cession of the shares of his uncles and aunts. This contention was accepted as true by the trial court in this case, with the result that the defendant was declared the exclusive owner of the undivided four-fifths interest supposed to have been acquired by him from his uncles and aunts. At the same time the trial court held that there was no sufficient proof that Maximiana Tinio had ever transferred her undivided one-fifth interest in said property to the defendant. The result was that the plaintiffs were declared entitled to their pro rata interest in the undivided fifth of their mother.

A careful study of the evidence leads this court to the conclusion that, as already suggested, the title to all of this land had vested in Maximiana Tinio by extrajudicial partition and that her brothers and sisters had no interest in the property which could have passed from them to Jose Castro, by virtue of their several quitclaim deeds. The execution of those deeds was evidently a mere formality, and this step was taken for the sole purpose of clearing the way for Jose Castro to get the property registered; and while there is no proof that all of the Tinio heirs executed these transfers in the belief that Jose was acting for his brothers and sisters as well as himself, yet there is proof that the signatures of at least two (Manuel and Catalina) were secured upon the representation of Jose Castro that the interest of the heirs should not be prejudiced by registration in the sole name of the defendant. The fact that the grantors in those quitclaim deeds executed those documents gratuitously suggests that they considered themselves to have no real interest in the property, and the fact that said deeds were executed merely with a view to clearing up the title for registration is suggested by recitals contained in the documents themselves to the effect that the grantee, Jose de Castro, should have the rights to petition for the registration of the land in accordance with prevailing laws (Exhibits 3 and 5).

The distribution of the property among the heirs of Mariano Tinio appears to have been effected under the supervision of Casimiro Tinio, and that this land was assigned to Maximiana in her own exclusive right is consistent with the fact that the other property pertaining to Mariano Tinio was distributed to the various heirs without complaint from any. Under these circumstances it would reveal a truly anomalous state of affairs to suppose that all the other property pertaining to the estate of Mariano Tinio had been distributed to the various heirs in several exclusive rights but that Maximiana was merely given possession of this as an unpartitioned portion of her father's estate. When these circumstances are considered in connection with the fact that the defendant in two different petitions of registration filed years apart represented to the court in each case that the title to this property had been obtained by him by inheritance from his mother, they should be taken, we think, as supplying sufficient proof that Maximiana was the owner of the entire tract by inheritance and extrajudicial partition.

The attorneys for the plaintiffs claim that the record in the second registration proceeding, and especially so much thereof as consists of the defendant's petition and his representation to the court that his mother had been the owner of this land, constitutes a conclusive estoppel against him, and that it is not permissible for him in this case

to assert that he acquired an undivided interest in four-fifths of the property from his uncles and aunts by virtue of the documents above referred to. Technically, it seems to us that there is no true estoppel here, for the plaintiffs were not direct parties to either proceeding and had no notice that either was pending. On the other hand, there is nothing on which to predicate an equitable estoppel, or estoppel in pais, for the reason that none of the plaintiffs were misled by the defendant's supposed representation or acted in reliance upon its truth. We are of the opinion, however, that the statements made in the petitions filed by the defendant in those land registration proceedings are admissible in evidence against himself, being in the nature of admissions against his interest, and they strongly corroborate the inferences which we draw from the other proof in the case to the effect that the entire interest in the property in question had passed to Maximiana Tinio by extrajudicial partition and that the same passed upon her death to all of her children.

Upon the foregoing facts it is evident, and it must be so declared, that, when the defendant procured the registration of this land in his own name, he was acting in a trust capacity and as representative of all of his brothers and sisters. As a consequence he is now holding the registered title thereto in a trust capacity, and it is proper for the court to declare that the plaintiffs are entitled to their several pro rata shares, notwithstanding the fact that the certificate of registration is in the name of the defendant alone. The case on this point is controlled by the doctrine of *Severino vs. Severino* (44 Phil., 343, 350), where an uncle who was acting as agent or administrator of property belonging to a niece had procured a Torrens title in his own name. It was held that he must surrender the property to the niece and transfer the title to her.

But it is strongly urged for the defendant that, even supposing that the defendant in this case had procured the title to be registered in his own name as representative of himself and his younger brothers and sisters, yet he had repudiated the trust more than ten years before this action was begun, and it is insisted that he has acquired title by adverse possession. In support of this contention, based upon the repudiation of the trust and subsequent adverse possession, the attorneys for the defendant point to the testimony of Manuel Castro who exercises the role of chief promoter of this litigation on the part of the plaintiffs. This witness testifies that back in 1916, 1918, and at other times, he had besought his uncle to recognize the right of his younger brothers and sisters in the property and to give them their part of the produce. The defendant, Manuel says, ignored the request and put aside the claim upon one excuse or another. We note, however, that this supposed repudiation of the trust first took place before Manuel Castro had reached his majority, and we are unable to see how a minor with whom another is in trust relation can be prejudiced by repudiation of the trust addressed to him by the person who is subject to the trust obligation. The defendant in our opinion is not entitled to the benefit of prescription from his supposed repudiation of the trust.

With respect to the form in which the court below attempted to dispose of this case, we are of the opinion that the judgment appealed from erred not only in the amount of the portions adjudicated to the several plaintiffs but in the manner in which the court attempted to effect the division. The proof shows that this large tract of land consisting of about 419 hectares is of unequal quality, and to concede the same number of square meters to each would certainly result in an unequal distribution of the property. The proper form in which the decree should be drawn is to declare the plaintiffs the owners of certain undivided interests; and the cause will have to be remanded for further proceedings looking towards a proper partition of the property.

With respect to the manner in which the defendant has developed the land in controversy and brought it largely into a state of productivity, his sagacity and industry appear to be beyond criticism. He took possession nearly twenty-five years ago of a tract of land that was submerged in water during a great part of the year and which was then encumbered by wild growth. As the years passed he gradually reduced the property to a state of cultivation, a process accomplished by drainage and irrigation. All of this necessitated the expenditure of capital and the

reinvestment of such profit as might have been derived from the crops gathered therefrom. The trial court came to the conclusion that each of the plaintiff-owners might claim the sum of P861 as his equivalent of his share of the produce for the time during which the defendant has been in possession of the property. Under the decision to be rendered by this court each of the four adult plaintiffs, and the minor plaintiffs in representation of their deceased father, Vicente Castro, will recover an undivided one-sixth of the entire land; but, as to the profits, we are of the opinion that they have not demonstrated a right to an accounting for profits obtained by the defendant from this land in the past. The delay of the plaintiffs in undertaking to enforce the rights which are involved in this action, while not fatal to their claim to be owners of the land in community with the defendant, nevertheless operates unfavorably upon their claim to an accounting for profits. The expenditures made by the defendant in developing the property, though undoubtedly large, are uncertain, which fact is due to the long period of time that has passed; and we are of the opinion that the interests of equity require that the claim to an accounting for profits be disallowed.

Therefore, affirming the appealed judgment in the part consistent with this decision and reversing the same in the part inconsistent herewith, it is declared that the plaintiffs, Manuel Castro, Pedro Castro, Consolacion Castro, and Maria Castro, in conjunction with the minor plaintiffs, Maximiana, Aurea, Catalina, and Ceferino, representing the interest of their father, are each the owner, in community with the defendant, of an undivided one-sixth of the property which is the subject of this action; and the cause is hereby remanded to the Court of First Instance of Nueva Ecija for appropriate proceedings, for the partition of the same among the plaintiffs and the defendant according to their respective interests. So ordered, without pronouncement as to costs.

Malcolm, Villa-Real, Abad Santos, Hull, Vickers, Imperial, and Butte, 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.