

## TEODORIGA ENDENCIA, PLAINTIFF AND APPELLEE, VS. EDUARDO LOALHATI ET AL., DEFENDANTS AND APPELLANTS.

*G.R. No. 3787. November 14, 1907*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3787/>

### TORRES, J.:

On the 7th of March, 1905, Teodorica Endencia, on the advice of her attorneys, Herrero & Caringal, filed an amended complaint against Eduardo Loalhati and Mateo Malocon, alleging that in and during the years 1898-1900 she owned and possessed in the Province of Mindoro:

|                                                                                               |           |
|-----------------------------------------------------------------------------------------------|-----------|
| Eight hundred and eighty-three (883) head of cattle valued at forty-nine (49) pesos each..... |           |
| P7,947.00                                                                                     |           |
| Two hundred (200) calves valued at ten (10) pesos each.....                                   | 2,000.00  |
| Eighty-three (83) male and female carabaos valued at eighty (80) pesos each.....              | 6,640.00  |
| Seventy-four (74) male and female goats valued at four (4) pesos each .....                   | 296.00    |
| Twenty-three (23) head of sheep valued at seven (7) pesos each.....                           | 161.00    |
| Twenty-one (21) horses valued at forty (40) pesos each.....                                   | 840.00    |
| Four hundred and forty-eight (448) pieces of lumber of different kinds and sizes .....        | 224.00    |
| Two hundred and eleven (211) pieces of lumber of different kinds and sizes .....              | 1,500.00  |
| Eighty-nine thousand pieces of firewood.....                                                  | 3,604.00  |
| Furniture and household goods, including chairs, benches, tables, etc .....                   | 250.00    |
| Total .....                                                                                   | 23,462.00 |

The plaintiff also owned and possessed during those years two houses in the aforesaid province, in the town of Mangarin, one of them valued at P700 and the other at P400; total, P1,100.

That during the said years the defendants, on several successive occasions, seized all the above-mentioned property, unlawfully depriving the plaintiff of the possession thereof, and refused to return the same to her; that in order to avoid possible claims on her part, the said defendants simulated liens and deposits on the false pretext that they had been ordered by the so-called revolutionary government, when the provincial revolutionary government of Mindoro was complying with the instructions of the Malolos government which had expressly prohibited the seizure of the property of the plaintiff, who, by reason of the unlawful acts, sustained losses as respectively stated above, and damages which consisted of the fruits, rentals, and interest of the property detained, amounting to P12,000; that she therefore asked the court to render judgment sentencing the defendant to make restitution of the above-stated personal property, or to pay the value thereof amounting to ;P23,462; that the

ownership of the above-described real property be awarded to the plaintiff, and that the defendants be directed to pay to her P12,000 as damages, and to pay the costs together with any other relief which the court might consider just and equitable. On the 18th of May, 1905, the defendant, Eduardo Loalhati, demurred to the complaint, but, without any decision having been entered in connection therewith, there appears on page 14 of the original bill of exceptions an answer to the said amended complaint by a document dated September 21, 1905, wherein the said Loalhati, on the advice of Attorney Ilustre, denies all and each one of the issues of the amended complaint.

On the 27th of the said month of September the plaintiff asked the court to allow her to withdraw her complaint against Mateo Malocon and to continue it only against the aforesaid Loalhati; accordingly, on the 28th of said month the court ordered the case against Malocon dismissed with the costs against the plaintiff. On the same date, September 27, the plaintiff asked the court to consider her complaint on page 24 as amended because an error had been committed in stating that the total value of 883 head of cattle was P7,947 when, as a matter of fact, at the rate of P49 each, they are worth altogether P43,267; that for the same reason the sum total is also erroneous, and in lieu of PP23,462 it should be P58,532, the true total value of said cattle. Plaintiff, therefore, asked that judgment be entered for P58,532 as the value of the cattle claimed by her, providing as to the rest in accordance with the terms of her complaint. (Folio 42.)

Evidence having been adduced by both parties and the same having been made of record, the court, on the 22d of September, 1906, rendered judgment declaring that the plaintiff had suffered loss and damages through acts committed by the defendant and his companions, and that she is entitled to recover from the defendant, Eduardo Loalhati, the sum of P5,000, which he was sentenced to pay to the plaintiff, and to pay the costs of the proceedings. On the 10th of October of the same year the defendant excepted to the above decision and moved for a new trial on the ground that the decision was openly and manifestly contrary to the weight of evidence; but by an order dated the 19th the motion for a new trial was overruled, and upon exception thereto being recorded, he was informed that by reason of the difficulties of communication he had sixty days within which to present his bill of exceptions, and the same having been approved, a certified copy thereof has been submitted to this court.

The questions of fact which are pending in this suit are reduced to the following: Is it proved that the defendant, Eduardo Loalhati, did seize and hold, in November, 1898, the property owned by the plaintiff, Teodorica Endencia, in the town of Mangarin, Mindoro? The answer is in the affirmative and it even appears to have been admitted by the defendant.

Does the record show that the property which the defendant seized and held from the plaintiff has been duly returned to her? From the result and merits of the trial a negative answer can alone be arrived at.

The judge having reckoned the loss and damage caused the plaintiff on account of the seizure at P5,000, and the plaintiff having accepted the same, can it be inferred from the evidence adduced at the trial that no damages were caused to her by reason of the said seizure of the property which has not been returned to her, or that the actual damage was less than the judgment appealed from calls for? The result of the proofs determines the answer in a negative sense.

It is an unquestionable fact, which has been fully proven, that the defendant herein, Eduardo Loalhati, on pretense of being the local president of the town of Iling by delegation of the "Philippine government," took the property owned by Teodorica Endencia, the plaintiff herein, composed of one house in Iling and another furnished house in Mangarin, and cattle, carabaos, horses, sheep, and goats at the sitio of Mapaya, and logs of wood, firewood, and carabaos in the first-named town, a procedure which, under the guise of an attachment, took place on the 3d of November, 1898, at a time when the plaintiff was absent from her residence, as she left it on the 5th of July previous, hiding in the mountains for fear of the trouble arising on account of the revolution then raging, and she

later on came to Manila on December 5 following.

The order issued on the 22d of October of said year by Daniel Sambong Mata, the so-called military commander of Mindoro (folios 56, 57), addressed to the presidents of Iling and Mangarin, directing them to make an inventory of and to seize the property of the friars named Pedro Olave and Simeon Mendoza, which were in charge of Teodorica Endencia, pursuant to the provisions of the revolutionary government, could not lawfully justify the seizure and appropriation, by the defendant, of the property that belonged to the plaintiff, because the aforesaid order referred only to the property of the above-named friars, and not to that actually owned by Endencia, the plaintiff herein ; and after her property had been unduly seized, and notwithstanding the fact that orders for the return thereof were given to the defendant as local president of Iling, he being the only person who carried out said seizure or sequestration, because the aforesaid government, according to the actual text of the order of January 16, 1899 (folios 58, 59), had become convinced that the property seized from Teodorica Endencia was her own, the plaintiff has not recovered her property nor was the same returned by the defendant in pursuance of the orders of his superior in office, but remained in the possession and for the benefit of the sequestrator, and to the prejudice of the owner. The document copied on folio 71, a translation of which appears on folio 72, can not serve to demonstrate that all the property seized from the plaintiff has been returned to her as alleged by counsel for the defendant. If said document had been attested and acknowledged by Ignacio Endencia, the plaintiff's brother, the most that could have been proved by it was that Ignacio had received, as trustee, a frame house in bad condition, 60 pieces of lumber, 3 broken chairs, and 5 empty demijohns, which the said document calls for; but it could never serve to prove that he had received from the defendant all the property that was seized from the plaintiff. No evidence of 'such return appears in the record, and it is the duty of the person who carried out the sequestration of the property to prove that the same was returned, as he now affirms, in order to avoid the logical and unavoidable conclusion that he had kept said property, as is actually the case, and as concluded by the court below in the judgment appealed from. It is to be noticed that the record does not show that the later order certified to on folio 13, addressed by the so-called lieutenant-general, Mariano Trias, to the local president of Iling under date of October 22, 1900—that is, two years after the previous order for sequestration—and again ordering the seizure of the property of the plaintiff, was ever complied with.

If, as already stated, it has been shown beyond doubt that the defendant, Loalhati, took possession by means of a seizure of the property of the plaintiff, Endencia, without ever returning the same, it follows that, by reason of such illegal and unauthorized procedure, loss and damage was caused by him to the owner of the property, who was unreasonably deprived of it; therefore the claim that no such damages were caused is inadmissible.

Considering the quantity, importance, kind, and value of the property unduly seized from the plaintiff, it can not be doubted that the extent of the damages caused her would rather be above than below the amount fixed in the judgment appealed from, although consented to by the plaintiff; therefore, the question to be considered at the present time is whether such damages should be less than the amount fixed by the court below.

In rebuttal of the evidence of the plaintiff, the defendant has not offered any proof whatever that the damages caused the plaintiff for the seizure and nonreturn of her property did not amount to P5,000, as fixed by the judge in his decision. It should be taken into consideration that no matter how small might have been the value of the property seized from the plaintiff, the total value thereof together with its products could not be less than the amount allowed by the aforesaid decision, because the judge, acting under authority of the law and in accordance with the result of the evidence, reduced the amount of the damages claimed by the plaintiff, and the decision was manifestly favorable to the defendant.

Articles 349 and 446 of the Civil Code provide that: "No one shall be deprived of his property, except by competent authority \* \* \*.

"Every possessor has a right to be respected in his possession; and should he be disturbed therein, he must be protected or possession must be restored to him by the means established in the laws of procedure." These legal precepts, which are based on the fundamental constitution of every civilized country, are confirmed by section 5 of the "Philippine Bill," dated July 1, 1902, which provides:

"That no law shall be enacted in said Islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws."

Counsel for the defendant, in order to exempt the latter from liability for the seizure whereby the plaintiff was deprived of her property, alleged that said seizure was effected in compliance with an order from the revolutionary government communicated to the presidents of the towns of Iling and Mangarin by Daniel Sambong Mata, the military commander of Mindoro, and that the property that was seized belonged to the friars Pedro Olave and Simeon Mendoza, and not to the plaintiff, Teodorica Endencia. But, it having been proven that three months later the same revolutionary government issued him a new order directing him to return the seized property to the acknowledged owner of the same, to wit, the plaintiff, and as said counter order has not been complied with, nor has the plaintiff received the property which was seized by the defendant, it is not proper to admit the said allegation to exempt the defendant, Loalhati, from all responsibility.

If the confiscation of property, even when ordered by a government or by a competent authority, was entirely abolished by modern fundamental laws long before the second half of the past century, where the same is ordered and carried out by men composing a so-called revolutionary government, it is absolutely unmaintainable because such procedure does not bear even the stamp of legality; therefore, the sequestration or material seizure of the property of private individuals and peaceful residents, by the so-called officers of a revolutionary government, can not find the support of any law nor confer any right upon the usurpers, to the prejudice of the persons who have been unlawfully despoiled of their property, as upon the restoration of peace under the rule of a lawful government it would not be just that the law should protect those who, availing themselves of the social disturbance and of abnormal conditions in a country, committed depredations and attempts, among other things, against property, to the serious detriment of peaceful citizens who did not participate therein, because it would amount to rewarding the promoters of disorder and despoliation and punishing the loyal friends of peace, after suffering the great hardships caused by the insurrection.

If the defendant, Loalhati, acted illegally when seizing the property of the plaintiff, notwithstanding the fact that he did so in compliance with a superior order he committed a greater illegality by keeping almost all, or the greater portion, of the property that was seized by him, disobeying the subsequent order for its return to the lawful owner thereof. In this connection the recent decision of this court in a similar matter, registered under No. 3587, is cited.[1]

In view of the considerations above set forth, the judgment appealed from should, in our opinion, be affirmed, and it is so ordered, with the costs against the appellant.

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

---

[1] Aldamis vs. Leuterio, 8 Phil. Rep., 688.

**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.